THE

HISTORY

OF THE

Whiggiſh-Plot:

Or, A brief Hiſtorical

ACCOUNT

OF THE

Charge and Defence

OF

{ *William* Lord *Ruſſel* / Capt. *Tho. Walcot* / *John Rouſe* / *William Hone* / Captain *Blague* } { *Algernoon Sidney* Eſq; / Sir *Sam. Barnardiſton* / *John Hambden*, Eſq; / *Lawrence Braddon* / *Hugh Speak*, Eſq; }

Together with an Account of the Proceedings upon the Outlawry againſt *James Holloway*, and Sir *Thomas Armſtrong*.

Not Omitting any one material Paſſage in the whole Proceeding.

Humbly Dedicated to his ROYAL HIGHNESS.

LONDON,

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To the most Illustrious and Serene

PRINCE

James Duke of York

AND

ALBANY, &c.

May it please Your *Highness*,

IT *was the Design of the* Author *of the following* Papers, *a Person very faithful to the Interest of the* Crown, *to make an Humble Present of himself and them, to Your* Highness; *but being at this time under great Indisposition, I was desir'd to present his Duty by* Proxy, *and lay his Performance at Your* Royal Highnesses *Feet. I will acknowledge to Your* Highness, *that I am no Friend to* Epitomies, *especially in* Law, *where the* Truth *and the whole* Truth *is so strictly required: But I look upon this to be one of the faithfullest and perfectest that ever I have seen, having carefully perus'd the whole, to say nothing of that Candor and Ingenuity of Temper, which makes some New* Discovery *of it Self in every* Page *of the whole* Work, *being very far from a Design of Imposing any thing* False, *or Aggravating any thing beyond the naked* Truth, *and abounding every where with many unquestionable Stroaks of a Courteous and Gentle* Nature, *very fit if Honestly and Wisely managed, to poyse and balance these uneven* Times.

The irrefragable clearneſs of the Proof, added to the Conciſeneſs of this Author's Method, *will ſhew Your* Highneſs *at once, as in a Glaſs, the imminent Dangers the* King *and* You *have eſcaped, and with* You *the* Clergy, *the* Nobility, *nay, the* Commons *themſelves, who would moſt of them, before this time, have been Buryed in* Confuſion, *and Rolling in* Blood, *which as in all it ought to Create a Mortal and* Vatinian *Hatred of thoſe Horrid* Principles, *by which the* Enemies *of this* Church *and* Monarchy *are Acted, and of thoſe Barbarous, though Natural Concluſions that iſſue from them; ſo more particularly in Your* Royal Highneſs, *there is no doubt, but the Reflection upon ſuch* Villany *as this, will inflame ſo* Generous *and ſo* Loyal *an* Heart *with an ardent Affection for that* Church, *which long and ſad Experience hath told us, is to be the only true* Prop *and* Supporter *of the* Crown.

That God would Guide Your Royal Highneſs *by his* Council, *and after a long and fortunate* Old Age, *receive* You *into* Glory, *is the Humble and Affectionate* Prayer *of,*

May it pleaſe your Royal Highneſs,

Your Royal Highneſſes moſt Humble,

Dutyful and Obedient Servant,

JOHN TURNER.

THE HISTORY OF THE Whiggiſh-PLOT.

UPON the *Diſcovery* of the late *Helliſh Conſpiracy*, which was made by Mr. *Keeling* upon the *Twelfth* of *June*, in the *Year*, 1683. as will at large appear upon his *Evidence* againſt Captain *Walcot*. His *Majeſty* ſet forth two *Proclamations*, the one bearing Date the 23*d*. and the other the 28*th*. of the ſame *Month*; The firſt for the *Diſcovery* and *Apprehenſion* of Colonel *John Rumſey*, *Richard Rumbold*, *Richard Nelthorpe* Eſq; *Nathaniel Wade*, Gent. *Richard Goodenough*, Captain *Walcot*, *William Thompſon*, *James Burton*, and *William Hone*, a *Joyner*: The latter for the *Apprehending* of *James Duke of Monmouth*, *Ford Lord Grey*, who being *Apprehended*, made his Eſcape out of the Hands of the *Serjeant* at *Armes*; Sir *Thomas Armeſtrong*, and *Robert Ferguſon*, who was the *Common Agitatour*, entruſted by all *Parties* in the ſeveral *Conſpiracies*. Beſides all theſe, ſeveral others were ſoon detected, as the *Lord Melvin*, Sir *John Couchrane*, *Francis Goodenough*, *William Rumbold*, *Joſeph Elby*, *Samuel Gibbs*, *Francis Charleton*, *Joſeph Tyley*, ——*Caſteers*, ——*Lobb*, both **Non-Conformiſt Miniſters**, *Edward Norton*, *John Row*, *John Aytoſs* and *John Atherton*; Several of which having notice of *Warrants* iſſu'd out for their *Apprehenſion*, fled from *Juſtice*. Nevertheleſs, they did not all eſcape; For of ſuperiour *Quality* were taken the *Lord Ruſſel*, the *Lord Howard* of *Eſcrich*, Colonel *Sidney*, Mr. *Hamden*, Jun. and the *Earl of Eſſex*, who being Committed to the *Tower* for *High Treaſon*, **Kill'd** himſelf: Of meaner *Quality* were *Apprehended*, Mr. *Weſt*, Colonel *Rumſey*, Captain *Walcot*, and *Hone* the *Joyner*, and of theſe the *Lord Howard*, Colonel *Rumſey*, and Mr. *Weſt*, were reſerved to give *Evidence* againſt the *Others*, whoſe *Charges* and *Defences*, together

Proclamations iſſu'd out againſt the Conſpirators.

The Names of the Conſpirators.

The Earl of *Eſſex* kills himſelf.

Mean perſons taken.

together with their *Confessions*, compleat the *Body* of this *History*. Besides these, also were *Apprehended* the *Lord Brandon*, Mr. *Booth*, Mr. *Charleton*, Mr. *Wildman*, and Mr. *Trenchard*, and sent to the *Tower*, who at the beginning of the following *Term*, were admitted to give Bail for their *Appearance* the first Day of the next *Term* ensuing.

Upon the 27*th*. of *July* came forth His *Majesties Declaration*, concerning the *Treasonable Conspiracy* against His *Person* and *Government*, giving an Accompt of the *Principal* and *Main Designs* of it, which appear'd to be in short as follows:

About the beginning of *October*, 1682. when the *Heads* of the *Faction* saw the *Magistracy* of *London* settled in *Persons* of *Loyal Principles*, they fell immediately to *Consult* about *Rising* in *Armes*; for which some thought their *Party* so well prepared, that they could not fail of *attaining* their *Ends*, when they should break out into *Open Force*.

They Consult to Master the Guards, and seize the Kings Person, but lay that Design aside till they had settled a Correspondence to know their strength.

Upon which some of the *Principal Conspirators* met, to agree about the best way to *Master* the *Guards*, and *Seize* His *Majesties Person*; but upon deep *Consideration*, finding it necessary to prepare their *Friends* in the several *Counties*, and the *Disaffected Party* in *Scotland* to joyn with them, without which any *Attempts* in the *City* upon the *Guards* seem'd to be too rash, they lay'd aside the *Thoughts* of a *Present Rising*, and dispos'd themselves to find the safest way by *Correspondence*, how far they might be assisted by a *General Insurrection*, so that in all *Humane Probability* they might not fail of success

The Assassination of the K. and D. of York Design'd.

While these *Designs* were forming, some *Villains* were carrying on that *Execrable Plot* of *Assassinating* His *Majesties Person*, and His *Royal Highness*, in their coming from *New Market*, to which purpose Money was deposited; but were prevented by the *shortness* of *Time*, and *Necessary Preparations*.

A second design in *March* at His Majesties going to *New-Market*.

Thereupon they *Consulted* about Attempting the same *Villany* again at His *Majesties* next going to *New-Market* in *March* was a *Twelvemonth*. But fearing the strength of the *Guards* that are usually left behind after the *King's Departure*, and becaus they were not then neither sufficiently ready, they agreed to do it at his *Return* from *New-Market*.

The place appointed, was *Rumbolds* House, called, *The Rye*.

The *Place* appointed was *Rumbold*'s House, call'd *The Rye*, near *Hoddesdon*; where it was so contriv'd, That *Forty Persons* under the *Command* of *Rumbold*, should hide themselves in or near the *House*, and when the *King*'s *Coach* should come over-against them, then to **Kill** the *Postilion* and *Horses* by Discharging three or four *Blunderbusses*, and if they fail'd, others were to be ready in the way in *Labourers Habit* to turn a *Cart* in the *Road* to stop the *Coach*, while some *Shot* into the *Coach* that carryed His *Majesty*, and His *Royal Highness*, and others Fir'd upon the *Guards*. It was also farther concluded, That the same Day several *Lords*, and other *Persons* of *Quality*, should be *Invited* into the *City* to *Dinner*, to be ready to appear among the *Citizens* upon the arrival of the *News*. For the *Actors* had for their escape contriv'd a nearer *Passage* then the usual *Rode*, in hopes to get to *London* before, or as soon, as the *News* could be carryed thither.

Several Lds. and great Persons to be invited into the City to Dinner, to appear among the people upon arrival of the News.

To palliate the *Blackness* of such an *Action* as far as they could, they

they had prepared a *Remonſtrance*, which was ready to be diſperſed among the *People* in that *Confuſion*, and to prevent any ſtop to be put to their *Career* by the *Magiſtrates* and *Officers* of the *City*, they had deſigned for immediate ſlaughter, the *Lord Mayor*, the *Sheriffs*, and the moſt *Eminent* for their *Loyalty*.

The *Mayor* and *Sheriffs*, &c. to be Maſſacre.

But the ſuddain Fire at *New Market*, defeated theſe *bloody Counſels*, neceſſitating his *Majeſties* Return from thence before he had intended.

Nor did theſe *diſappointments* diſcourage thoſe *Villains* from propoſing and hoping ſome more convenient *Opportunities* to proſecute their *Impious Deſign*, either between *Windſor* and *Hampton-Court*, in his *Journey* to *Wincheſter*, or as he went in his *Barge* by *Water*, or at the *Bull Feaſt*, which was to be in *Red Lion Fields*.

Armes ready upon all occaſions.

To which purpoſe they had always lying ready a certain number of *Arms* upon all occaſions that ſhould offer. And for the more eaſie drawing their party together, at the time of *Execution*, they had divided the *City* into *twenty Parts*, from every one of which they expected *five hundred Men*, to Embody upon the firſt *Onſet*, having in every one their *diſtinct Agitators*, to take care of that particular *Affair*, to Head which *Parties* there were a *Hundred Old Officers* that had been engaged in the *late Rebellion*, who lay cloſe in *Town* till the Diſcovery was made.

A Hundred old Officers of the late Rebellion conceal'd in the Town to command the raiſed Men.

On the other hand, the *Chief Conſpirators* were driving on for the *General Inſurrection*, which was to be in both *Kingdoms*; which the *Earl* of *Shaftsbury* would have had before the *ſeventeenth* of *November*, or elſe upon that day at fartheſt; but finding they would not adventure without farther *Preparation*, conveighed himſelf ſecretly into *Holland*, to avoid the danger of being diſcovered.

A Council of ſix erected to carry on the Inſurrection, and Scotch Correſpondency.

Upon his *withdrawing*, a new *Council* of *ſix Perſons* were to have had the chief *Management* of *Affaires*, in order to the *deſigned General Inſurrection and Scotch Correſpondence*: To which purpoſe a Perſon was by them ſent into *Scotland*, to invite the *Heads* of the *diſaffected Party* in *that Kingdom* to come into *this*, under a *ſpecious pretence* of purchaſing in *Carolina*, to conſult the ſureſt meanes for carrying on the *Confederacy* joyntly in both *Kingdoms*. Thereupon *Archibald Campbel* late *Earl* of *Argile*, as being already *Attainted* of *Treaſon*, was treated with, who accepted of *ten Thouſand Pounds* to be paid for *buying Arms* in *Holland*, and making *Proviſions* for a *Rebellion* in *Scotland*.

Argile treated with, he accepts of ten thouſand *l.* to buy Armes in *Holland*.

In the ſame *Council* of *Six* they had debated, and at length concluded that the *Riſing* ſhould be in all *Parts* at the ſame time, leaſt the *City* being defended by its own *Militia*, the *Guards* might have *leiſure* to be ſent to *ſuppreſs* the *Country Inſurrections*.

This was the *Sum* of this moſt *Horrid* and *Execrable Deſign*, by *Providence* ſo often diſappointed, and at length when it was fully *Ripe*, mow'd down by the clear *Diſcoveries* of *Heavens* over-ruling *Power*.

And this it was which his *Majeſty* thought fit to make known to all his loving *Subjects*, that they being ſenſible of the *Mercy* of *God* in ſo great a *Deliverance*, might the more chearfully and devoutly joyn with their *Soveraign*, in returning ſolemn Thanks to the Preſerver of *Kings* for the ſame.

To

The 9th. of *September* appointed for a solemn *Thanksgiving day*, and the Declaration then to be publickly *Read*.

To which end His *Majesty* was pleased to appoint the 9*th*. of *September*, 1683. for a general day of *Thanksgiving* over all *England* and *Wales*, and that his *Declaration* should be publickly read in all *Churches* and *Chapples*, as well upon *Sunday* the *Second* of *September*, as upon the *Thanksgiving day* it self.

As the *Terror* and *Dismay* was not to be *imagined*, which had seized the minds of all *good Men*, out of an *Apprehension* of the *frightful dangers*, so near the *Persons* of His *Majesty* and His *Royal Highness*, so there was nothing could be greater to exceed it, then their *General joy* to find by the *Discovery*, those dismal *Clouds* of *Treason* dispersed that threatned the *Ruin* of their *Prince* and *Country*, which produced *Addresses* from all *parts* of the *Kingdom*, acknowledging the sacred *Preservations* of *Heaven*, and *Congratulating* the *Happy Deliverance* of their *Soveraign* and His *Royal Brother*.

The first Address *was from the* Lord Mayor, Aldermen *and* Commen-Council *of the* City of **London**.

The City Address to his Majesty upon Discovery of the Plot.

That whereas they had received with Astonishment the Discovery *of a most* Trayterous *and* Horrid Conspiracy *of divers* Ill-affected *and* Desperate Persons, *to compass the* Death *and* Destruction *of His* Royal Person, *and His* Dearest Brother James Duke *of* York, *to which purpose they had held several* Treasonable Consultations *to* Levy Men *and* make *an* Insurrection, *and made* Provision *of* Arms. *A* Design *immediately tending to the* Destruction *not only of all His* Majesties *best* Subjects, *but of His* Majesties Sacred Person, *the* **best** *of* Princes, *and to involve* this *and* future Generations *in* Confusion, Blood *and* Misery, *carry'd on, notwithstanding under* specious Pretences, *by* **known Dissenting Conventiclers** *and* **Atheistical Persons.**

Therefore in the first place, having offered up their *Solemn Thanks* to *Almighty God* for his *watchful Providence*, in bringing to *Light* that *Impious* and *Execrable* Machination.

They did in the next place offer to His *Majesty*, the deep *Resentment* of their *Loyal Hearts* concerning the same; beseeching his *Majesty* to rest fully assured, that as no *Interest* in the *World* was valuable to them, in Comparison of *His Majesties Service* and *Safety*, so they were determin'd readily to expose their *Lives* and *Fortunes* in *defence* of *His Majesties Person*, *His Heirs* and *Successors*, and *His Government*, as establish'd in *Church* and *State*, and particularly for the *Discovering*, *Defeating* and *Destroying* all such *Confederacies*, *Associations* and *Attempts* whatsoever.

Addresses to the same purpose from all parts of *England*, &c.

London having thus led the *Van*, was seconded by *Addresses* of the same *Nature*, varying only in *Style* and *Words*, but altogether the same in sence, not only from all Parts of *England* and *Wales*, but out of *Ireland* and several of his *Majesties* distant *Plantations*; so that the **Plot**, instead of doing the *Harm* which it intended, did but rather serve to winnow and seperate the *Tares* and *Darnel* from the *Wheat*, to shew the *Rancor* and *Malice* of some few *Malecontents*, but the universal *Loyalty* of *Multitudes*, to open the *Eyes* of the *Deluded*, and to *rivet* his *Majesty* deeper into the *Hearts* and *Affections* of his *Subjects*.

The

THE

HISTORY

OF THE

Charge and Defence

OF

Captain T. Walcott.

THE First of the *Confederates* whom *Juſtice* called to an accompt from this *Bold-Conſpiracy* was Captain *Thomas VValcott*, who was tryed at the *Old Baily Seſſions*, upon the 12. of *July*, 1683. He was Indited for compaſſing and conſpiring the Death of the *King*, the *Subverſion* of his *Government*, and for endeavouring and intending to raiſe a *Rebellion* and general *Inſurrection* in the *Kingdom*, to which he pleaded *not Guilty*.

Captain *Walcott* brought to his Tryal.

His Charge.

After ſome *Exceptions* the following *Jury* was Sworn.

Nicholas Charleton	*VVilliam* Rutland.
Chriſtopher Pitts	*Thomas Short.*
Robert Bedingfield	*Theophilus Man*
John Pelling	*John Genew*
VVilliam VVinbury	*John* Short.
Thomas Seaton	*Thomas Nicholas.*

This being done and the *Enditement* opened by the *Kings Councel* and the *Attorney General*; Collonel *Rumſey* was called and ſworn, and firſt ordered to give an *Accompt* of any *Riſing* that he had heard of; who thereupon declared, that about the end of *October*, or beginning of *November*, he was with the Lord *Shaftſbury* late at Night, who told him, that the Duke of *Monmouth*, the Lord *Ruſſel*, the Lord *Grey*, and Sir *Thomas Armſtrong* were at one Mr, *Shepheards Houſe* near *Lumbard-Street*, and therefore deſired me to go and know what they had done about *raiſing Armes* at *Taunton*, upon which he went, and being carried up by Mr. *Shepherd*, he received for anſwer, that Mr. *Trenchard* had failed them about the men, and they could proceed no farther at that time, and therefore he muſt be contented, that he went to the Lord *Shaftſbury* and told him what they ſaid: who thereupon prepared to be gon for *Holland*.

Rumſey gives his Evidence.

The Lord *Shaftsbury* prepares for *Holland*.

Being

Being ask'd what *Diſcourſe* he had thereupon with the Lord *Shaftsbury*, and what made him believe he made *Preparation* to be gone? He Anſwered, That my Lord ſhould ſay, *There was no* Dependance *upon thoſe* Gentlemen *that met, and therefore he would leave* England. Then proceeding in his *Evidence*, he declared, That about a fort-night or three-weeks afterwards, there was a *Meeting* at Mr. *VVeſt*'s *Chamber*, where was Mr. *VVeſt*, Mr. *Goodenough*, and Mr. *VVade* together, with ſome-body elſe, whoſe Name he did not remember, for Captain *VValcot* was then in *Holland*. That there it was propoſed, That nothing was to be done by a *General Riſing*, but that there was no ſurer way then to take of the *King* and the *Duke*, which they could not carry on neither, without Mr. *Ferguſon*; whereupon he was writ for into *Holland*, and that he came out of *Holland* upon that *Letter*, and Captain *VValcot* with him. That after Mr. *Ferguſon*'s coming back out of *Holland*, there was very ſuddenly a *Meeting* again, and then it was concluded, That nothing was to be effected without taking off the *King* and the *Duke*, or to that purpoſe, but that Mr. *Ferguſon* was not at that *Meeting*. There were two or three *Meetings* before Captain *VValcot* was there, to find out *Men*, and they could not find out *Men*, without which Mr. *Rumbold* would not undertake it; But that about three or four *Meetings* after, Captain *VValcot* came, and was reſolved at laſt to joyn in the *Matter*, but that he would not have a hand in attacking the *Coach*, only he would command a *Party* that ſhould Charge the *Guards*.

A Meeting at Mr. *Weſt* his Chamber.

Mr. *Ferguſon* ſent for out of *Holland* for that purpoſe.

Capt. *Walcot* undertakes to Fight the Guards, but refuſes to ſeize the King.

Being ask'd after what manner it was ſettl'd that it ſhould be done? He Anſwered, That there were ſeveral *Parties*; one ſmall *Party* was to have Kill'd the *Poſtilion*, another to Kill the *Horſes*, Mr. *Rumbold* with another *Party* to ſeize the *Coach*, and Captain *VValcot* the *Guards*.

Being ask'd where it was to be done? He ſay'd, at Mr. *Rumbold*'s *Houſe* near *Hoddeſdon*.

Being ask'd for what purpoſe Mr. *Rumbold*, and thoſe other *Men* were to attack the *Coach*? He made Anſwer, To *Murder* the *King* and the *Duke*.

Being ask'd how it was Deſign'd to be done? He Reply'd, By *Blunderbuſſes*, and if they miſs'd, by *Swords*.

Being ask'd when this was to be done? He made Anſwer, When the *King* was laſt at *New-Market*, the *Saturday* before *Eaſter*.

Being ask'd about what time this *Reſolution* was taken? He Anſwered, In *February* laſt; Mr. *Ferguſon*, and Mr. *Walcot* coming to *Town* upon *Aſh-Wedneſday*, and then was the firſt *Meeting* that the *Priſoner* at the *Bar* came in, which was at Mr. *Weſt*'s *Chamber*, before the *King* came from *New-Market*; So that there were ſeveral *Meetings* afterwards at Mr. *Weſt*'s *Chamber*, to *Conſult* whether they could raiſe the *Number* they inſiſted upon. The *Witneſs* then added, That there were *Notes* brought by Mr. *Goodenough*, and Mr. *Rumbold*, of many *Names*, to ſee that they might not be deceived in the *Number*: and that at that time Captain *Walcot* was there, and did undertake to go to Mr. *Rumbold*'s *Houſe*, and as he thought did go down to the very *Place*.

Being

Being ask'd whether there was any *Number* of Men inſiſted upon for doing the *Villany*? He Anſwered, That *Rumbold* inſiſted upon *Fifty Men*, but that Captain *Walcot* had no perfect *Number* allotted him.

Rumbold deſires 50 Men.

Being asked the Reaſon why this was not effected when the *King* return'd from *New-Market*? The *Witneſs* Anſwered, Becauſe the *Fire* hapened, which brought the *King* ſooner home from *New-Market* then the Men could be got ready: for that the *King* return'd upon *Tueſday*, whereas he was not expected till *Saturday*.

The Aſſaſſination prevented by the Fire, the King returning ſooner then expected.

That upon *Intelligence* of the *Fire*, and that the *King* would return upon *Tueſday*, Mr. *Ferguſon*, who then Lodg'd in *Covent-Garden*, ſent to ſeveral to come to him, to ſee if Men could be got ready by *Tueſday*, but it could not be done, and ſo it was lay'd aſide for that time. That after this *Diſappointment*, Mr. *Weſt*, Mr. *Goodenough*, and Captain *Walcot*, had a *Meeting*, were it was Reſolved, That no *Accident* afterwards might hinder the *Attempt* to buy *Armes*, Mr. *Ferguſon* undertaking to provide *Money*, and Mr. *Weſt* undertaking to procure the *Armes* for the Men, Mr. *Rumbold*, and Mr. *Goodenough* undertook to provide them.

Armes reſolved to be bought. *Ferguſon* undertakes for Money, *Weſt* to provide the Armes, and *Rumbold* and *Goodenough* to procure Men.

Being asked whether they had any farther *Deſign* upon the *King* after this *Diſappointment*? The *Evidence* made Anſwer, That it was to be done coming from *Windſor* to *London*, or from *Windſor* to *Hampton Court*, or at the *Play-Houſe*, therefore that *Armes* might be ready againſt any *Opportunity* that ſhould happen, let it be what it would: Mr. *Weſt* undertook to buy the *Armes*, and did buy them, as he told the *Witneſſe*, but did not get his *Money* in five or ſix *Weeks*, and then that Mr. *Ferguſon* payed.

Being ask'd what other *Meetings* he was at with Captain *Walcot*? He Reply'd, At the *Salutation* in *Lumbard-Street*, and the *Green-Dragon* on *Snow-Hill*; where the buſineſs in *Diſcourſe* was, about dividing the *City* into twenty parts, to ſee how many could be rais'd out of every part, which were again to be ſub-divided into *Fifteenths*, and every Man to lead a *Fifteenth*, that they might not be at a loſs. That Mr. *Goodenough* gave an *Accompt* of ſeven parts of the twenty; out of which, he ſaid there would be rais'd two Thouſand Men, but that the other *Fifteen* would not raiſe as many more, the other being the moſt conſiderable parts, as *Wapping* and *Southwark*. That by *Vertue* of this *Diviſion*, the general *Riſing* was intended to be ready againſt the firſt *Opportunity* that happened.

Being ask'd where was the laſt time they met before the *Diſcovery*? He made Anſwer, That it was as he thought, the very *Thurſday* before the *Diſcovery*, at the *Salutation* in *Lumbard-Street*, where was Captain *Walcot*, Mr. *Weſt*, Mr. *Wade*, the two *Goodenoughs*, Mr. *Nelthorp*, and the *Witneſs* himſelf; where the *Reſolution* continu'd ſtill to carry on the *Buſineſs*. But that the particular *Occaſion* of their *Meeting*, was to know of Mr. *Goodenough*, what was done about the other *Thirteen Parts*, to which he made Anſwer, That he had no *Accompt*, but thought he ſhould have a *Meeting* on *Saturday* in the *Afternoon*, at the *George* upon *Ludgate-Hill*, to have his Anſwer: But the *Diſcovery* coming,

ming, there only met Mr. *Norton*, Mr. *Bourn*, and a fourth Person, whose Name the *Witness* did not remember.

A Meeting after the Discovery.

That upon the *Monday* after the *Discovery* they met at Captian *Tracies*, *viz.* Captain *Walcot*, Nr. *West*, Mr. *Wade*, Mr. *Nelthorp*, the two *Goodenoughs*, and Mr. *Ferguson*, where there was nothing done, but only *Exclaimations* against Mr. *Keeling*, and taking *Resolutions* to be gone.

Mr. *Keeling* Exclaim'd against, and Resolutions taken to retire.

Being ask'd whether he ever was in Mr. *Keelings* Company? He Answered, That at the time they met at the *Salutation Tavern*, he came in there for a quarter of an *Hour*, by the same token, That there being a *Report* of a *Rising* at *Coleign*, headded by one *Gulic*, Mr. *West* told him, That he should be our *Gulick*, saying, *That* Gulick *and* Keeling *were all one: for that* Gu *was Kee*, *and* Lick *was* Ing.

Captain *Walcot* being then admitted to ask the *Witness* any *Questions*, desired the *Court* to ask, whether ever he met at Mr. *West*'s Chamber, till after the *King*'s return from *New-Market*? To which Colonel *Rumsey* reply'd in the *Affirmative*, and Sir *George Jefferies* made this *Remark* upon it, That he was to have undertaken the *Guards*, which was before the *King* return'd from *New-Market*.

The *Witness* also added one *Instance* more, That there was a *Meeting* at the *Five Bells* in the *Strand*, where was only *West*, *Ferguson*, *Rumbold*, *Goodenough*, and the *Witness*, and then Mr. *Ferguson* told them, That Mr. *Walcot* would come the next *Meeting* they had at Mr. *West*'s *Chambers*, and that he came accordingly, which was while the *King* was at *New-Market*, and consequently before his return.

Here Captain *Walcot* would have begun his *Defence*, but the *Court* told him he was not to break in upon the *King*'s *Evidence*, till that were all heard, and so he *Desisted*.

Mr. *Keeling* Sworn.

Then Mr. *Keeling* being call'd and Sworn, was desired to tell the *Court* and the *Jury*, what he knew of the *Conspiracy*, and the *Prisoner* at the *Bar*; who gave in *Evidence*, That some-time before the *King* went to *New-Market*, he was at the *Sun-Tavern* with *Richard Rumbold*, *Richard Goodenough*, and some others: At what time *Goodenough* call'd him forth, and ask'd him what Men he had procur'd? That the *Witness* ask'd him for what purpose? who Answered, To go down to *New-Market*. That the *Witness* ask'd him again for what end? who Answered, To Kill the *King*, and the Duke of *York*: And then the *Witness* Reply'd, That he thought none. That before the *King* came from *New-Market*, the said *Goodenough* renewed the same *Question* to the *Witness*, who in the mean time had discoursed *Burton* and *Thomson*, and that *Burton* told him, That *Barbar* and *Thomson* would be concerned. That upon the *Friday*, which was the Day that the *News* came of the *Fire*, Mr. *Rumbold* came to the *Witness*'s *House*, to see what Men he could procure, and desired to see them on the *Morrow*, which was the *Saturday* before the *King* returned. That the next Day he met Mr. *Rumbold* upon the *Exchange*, who then put him again in mind of the business; That thereupon he went to *Burton*, *Thompson*, and *Barber*, who met with Mr. *Rumbold* the same Day at the *Miter-Tavern* near *Dukes-Place*; where the

Goodenough asked him what Men he had got to Kill the King.

Rumbold comes to him to see the Men.

substance

ſubſtance of the *Diſcourſe* was, Whether they were willing to go down to his *Houſe*, call'd *The Rye*; the ſaid *Rumbold* alledging, That there was no greater *Conveniency* then that, ſcarce in *England*, for the *Executing* ſuch a *Deſign*, being a *Houſe* very intire to it ſelf, and remote from *Neighbours*, beſides the advantage of a *Court-Wall*. That among other *Diſcourſe*, this was an *Argument* to prevail with thoſe *Perſons*; That it would be a keeping one of the *Commandments*, to Kill the *King* and the Duke of *York*, in regard that unleſs that were done, there would be a great deal of *Bloodſhed* committed. That he there alſo told the way how he had *Deſign'd* to effect it at his *Houſe*. That he had a *Conveniency* for their *Horſes*, and that there would be ſo many appointed to *Shoot* the *Poſtilion*, and their *Horſes*: that there would be ſo many appointed at the *Coach*, and ſo many to attack the *Guards*. That if there was a failer in *Shooting* the *Coach-Horſes*, that then there ſhould be Men in the *Habit* of *Country-men*, with a *Cart* in the *Lane*, and that they ſhould run the *Cart* athwart the *Lane*, and ſo ſtop the *Coach*. That from thence they went to the *Exchange*, and in the *Afternoon* met at the *Dolvin-Tavern* in *Bartholomew-Lane* with *Rumbold*, *VVeſt*, *Goodenough*, and *Hone* the *Joyner*. That after they had been there a little while, *VVeſt* ask'd *Rumbold*, Whether he heard the *King* would come home that *Night*? who anſwered, Yes, he heard ſo: to which *VVeſt* Reply'd, That he believ'd he would not come home till *Monday*, and hop'd he would not return till *Saturday*, which was the Day appointed to go down to the *Rye*, to meet the *King* and the Duke of *York*.; to which *Rumbold* return'd, That he hop'd they would not come back till then. But that then, ſaid *Weſt*, if they do come, How many **Swans Quills** muſt you have? How many **Goose Quills**? And how many **Crows Quills** with **Sand** and **Ink**? To which they Anſwer'd, Six **Swans Quills**, Twenty **Goose Quills**, and Twenty or Thirty **Crows Quills**. That he ask'd *VVeſt* or *Rumbold*, or both, What they intended by it? Who told him, That **Swans Quills** were *Blunderbuſſes*, **Goose Quills** *Muſquets*, **Crows Quills** *Piſtols*, and **Sand** and **Ink** *Powder* and *Bullets*. Which was all he could ſay, as to the *Deſign* in General.

Rumbold's Argument to perſwade *Burton*, &c. to the undertaking.

Being ask'd what he could ſay as to the *Priſoner* at the *Bar*? He Anſwered, That he was at the *Salutation Tavern*, at what time Captain *VValcot* was there. That when he came in, ſomebody call'd him *Gulick*, which when he was not a little ſtartled at, ſome one of the *Company* cry'd, *Here's a Health to our Engliſh Gulick*; Upon which Mr. *VVeſt* ſaid, That *Gulick* in *Dutch*, was the ſame as *Keeling* in *Engliſh*. Adding farther, That he hop'd to ſee Mr. *Keeling* at the Head of as good an *Army* at *Wapping*, as *Gulick* was at *Collen*; Which was all he could ſay to the *Priſoner* at the *Bar*.

Here the *Priſoner* ask'd the *VVitneſſes* whether he call'd him *Gulick*? which the *VVitneſs* deny'd, but affirm'd that he was by at the ſame time.

Being ask'd upon what *Motives* he made the *Diſcovery*? He made Anſwer, That ſometime before the *Thing* was *Diſcover'd*, *Goodenough* came to his *Houſe*, and that he went to *Drink* a *Diſh* of

The Motives that induc'd him to make the Diſcovery.

of *Coffee* with him, in the *Company* of *Richard Rumbold*, and his *Brother VVilliam*, which he believed Mr. *VValcot* knew. That when they were by themselves, Mr. *Goodenough* pull'd out some *Papers* out of his *Pocket*, and gave him one for himself. That the *VVitness* ask'd him what he meant? to which the other reply'd, That he had divided the *City* and *Suburbs* into twenty parts, and that there was three *Divisions*, adding withal, That I knew the *Persons* better than he did, and who to trust. Therefore he said, That one was for my self, and that he would have me take to my *assistance* Nine or Ten *Men*, whom I knew to be true: and that then we were to go to several *Persons*, and ask them, Supposing the *Papists* should Rise, or there should be a *General Insurrection*, or a *French Invasion*, Are you in a *Posture* of *Defence*? That at the same time the said *Goodenough* told the *VVitness*, That there was a *Design* to Kill the *King*, and the Duke of *York*, which was *Design'd* to be at the *Bull-Feast*, and that then those Men were to be in a readiness, it being *Design'd*, That the *Thing* should be lay'd upon the *Papists*, as a *Branch* of the *Popish-Plot*. That there was also a *Declaration* drawing, which would relieve *Poor People* of that which seem'd most burthensome to them, which was *Chimney Money*, and that then the *Common People* would fall in with them the more readily. That after he heard these things, he was very much troubled in mind about them, and Declared, That that was the only *Reason* of his *Discovery*. That he thought he did very ill in not *Discovering*, in Regard he had no *Peace* nor *Satisfaction*, nor *Content*, nor could mind his *Business*, nor could take that *Rest* which at other times he did, which was the moving *Cause*, and no other. For he thought, if it were a *Sin* in *David* to cut off the *Hem* of *Sauls Garment*, it was much more a *Sin* in him to Kill the *King*.

Proof of the Cities being divided into twenty parts.

Goodenough discloses to him the Design of Killing the King.

A Declaration to be drawn upon the Grievance of Chimney-Money, to inveagle the *common* People.

Being ask'd whither there were any *Post* assign'd him, and what was required of him to do? He made Answer, That he was in the first place to Raise some *Men*; that he thought they look'd upon him as one that was to go down with the *Men* he had rais'd; but he did not remember the *Question* vvas ask'd him.

Being ask'd to vvhom he made his *Discovery*? He Replyed, That he offer'd it first to a *Minister* of the *Church of England*, vvhom he thought too careless, and therefore vvent to Mr. *Peckham*; That from thence he vvent to the *Lord of* Dartmouth, and from thence vvas carryed to Mr. *Secretary Jenkins*.

Goodenough tells him of the Design to secure the Major and Sheriffs, and secure the Tower.

He Arrested the Lord Mayor, as a Special Bayliff to the Coroner.

Being ask'd whether there were no *Design* to take off the *Major*, and the *Sheriffs*? He Answered, That as he was told by Mr. *Goodenough*, there was a *Design* to secure the *Lord Mayor* and the *Sheriffs*, as also to secure the *Tower*. And being ask'd about *Arresting* the *Lord Mayor*? He Answered, That he did *Arrest* the *Lord Mayor*, and did it as a *Special Baliff* under the *Coroner*, being put upon it by *Goodenough*.

Here Captain *Walcot* being ask'd by the *Court* what he had to say? made Answer, He had nothing to say.

Zacharius Bourne giving Evidence.

The next *Witness* Sworn was *Zacharius Bourne*, vvho being Svvorn, *Depos'd*, That he came acquainted vvith Captain *VValcot* by means of Mr. *Ferguson*, that Lodg'd at his *House*. That Mr. *VVade* came to him, and told him, He must needs meet at the

the *Green-Dragon* upon *Snow-Hill*, where Captain *Walcot* was with ſeveral others, and that the buſineſs was a *Deſign* to raiſe Men, and divide the *City* into *twenty Diviſions*, in order to the ſecuring His *Majeſty*, and the Duke of *York*, and ſetting up the Duke of *Monmouth*; and that as he thought, Captain *Walcot* was there every time. That he was once at the *Salutation* in *Lumbard-Street*, where it was preſs'd, That all *Expedition* imaginable ſhould be made for the *Raiſing* of *Men* out of the *twenty Diviſions*, into which the *City* was to be divided; but that the *Agitators* were not to tell their buſineſs, but only under a pretence to know their *Strength* if there ſhould be *Occaſion*, or if the *Papiſts* ſhould *Riſe*. That Mr. *Goodenough* brought an *Accompt* of between *three* and *four Thouſand* Men, out of thoſe *Diviſions* he had in *Charge*, at what time Captain *Walcot* was there, as alſo when the *Diſcourſe* of ſecuring the *King* and the *Duke* was a Foot.

Expedition preſs'd at the *Salutation-Tavern*.

That Captain *Walcot* was at three of the *Conſults*, where it was *Deſign'd* to ſeize the *Lord Mayor*, the *Sheriffs*, ſome of the *Aldermen*, and the *Chief Miniſters of State* about the *Town*. That Mr. *Weſt* told him, It ſhould be his buſineſs to ſecure the *Lord Keeper*, whom he would call to an *Accompt* with all his Heart, and put him in mind of *Colledge*. But the *Evidence* told him, That he did not care to meddle with any of his *Neighbours*.

Walcot at three Conſults to ſeize the Lord Mayor, &c.

Being ask'd whether he were employed to ſpeak with any of the *Non-Conformiſt Miniſters*? He Anſwered, He would have ſpoken to two, but that Mr. *Weſt* was unwilling, ſaying, The *Miniſters* had deſtroyed all *Deſigns* ever ſince *Conſtantine*'s Time. He further added, That upon the *Monday* after the *Diſcovery* they met at Colonel *Tracies*, *viz.* Captain *Walcot*, Mr. *Ferguſon*, Mr. *Goodenough*, Mr. *Weſt*, Mr. *Norton*, and the *Witneſs*, and Colonel *Rumſey*; where he left them *Debating* about **Killing** Mr. *Keelling*, becauſe he had made the *Diſcovery*. That there was alſo ſome *Diſcourſe* of ſtanding to it with their *Swords* in their *Hands*, which they ſay'd was the better way, then to be *Hang'd*.

Mr. *Weſt* unwilling he ſhould ſpeak to any Miniſters, as Deſtroyers of all Deſigns.

Keeling to be Kill'd for Diſcovering.

Here Captain *Walcot* deſired that the *Witneſs* might be ask'd whether he ever heard him ſay any thing more or leſs of *Aſſaſſinating* the *King*.

To which the *Witneſs* anſwered that he did never hear him diſcourſe of that *Matter*; but that he had ſeveral times heard a *diſcourſe* of *Lopping*, by which was meant, *Taking off the King and the Duke*, and ſuppoſed that the *Captain* had been at the hearing of it too, as being the *Diſcourſe* of ſeveral *Meetings*.

To all which Captain *Walcot* made anſwer, that he had no hand in any Deſign of ſecuring the King.

Then was Mr. *Weſt* call'd, who being ſworn, was ordered to tell the *Court* and the *Jury* the whole *Story*.

Mr. *Weſt* Sworn.

Thereupon he depos'd as follows.

That he came acquainted with the *Priſoner* at the *Bar* the laſt *Summer Vacation*, by the means of one Mr. *Wilcox*, who return'd his Money out of *Ireland*.

He came acquainted with the Priſoner by the means of Captain *Walcot*.

That the fair *Characters* they heard of one another, enclin'd them to *Intimacy* and *Freedom* of *Diſcourſe*.

That about the middle of *October* he obſerved a *General Diſcontent* in the *City*, and was afraid there was ſome deſign in hand, and

and being *Inquiſitive* to know what it was, he thought fit to enquire of Captain *Walcot*, being informed, That the *Earl* of *Shaftsbury* had ſent for him out of *Ireland*. That thereupon Captain *Walcot* told him, That the Earl of *Shaftsbury* was likewiſe ſending for ſome *Scotch Gentlemen*, under a pretence of buſineſs in *Carolina*. That one *Morning* Captain *VValcot* came to his *Chamber*, and Diſcours'd with him, concerning the *Election* of the *Sheriffs*, carryed on as was thought contrary to *Juſtice*. That thereupon he put the *Queſtion*, Whether the People would do nothing to ſecure themſelves? That then the Captain told him a *Secret*, That there was a *Deſign* of an *Inſurrection*, within three *VVeeks* or a *Month*, that would ſet us all free, or worſe. That the *Lord* of *Shaftsbury* was engag'd in ſuch a *Deſign*, and had engag'd him in it, and ask'd him, Whether he would take a *Command*? That at the ſame time the Captain told him, to the beſt of his *Remembrance*, That the Earl of *Shaftsbury* had another *Deſign* upon the *King* and the *Duke* as they came from *New-Market* in *October*; but that he abhorr'd any ſuch thing, as being ungenerous, and would not be concern'd but only in a *General Inſurrection*. That in the *Diſcourſe* of the *Inſurrection*, the *Captain* deſired the *VVitneſs* to lend him a *Suit* of *Silk Armour*, which the *VVitneſs* had bought ſome *Years* before, and to beſpeak him a *ſtiff Tuck*, which he did, but that the *Plot* being Diſcover'd, the *Tuck* was left upon his Hands; and that this was about the Ninth of *November*.

Walcot diſcourſes Mr. *Weſt* at his Chamber.

The Earl of *Shaftsbury* deſigns the Aſſaſſination as the King came from *Newmarket*.

That after this he underſtood by Captain *VValcot*, that Mr. *Ferguſon* had the *management* of the *Aſſaſſination* in *October*, and that he was likewiſe acquainted with the *Inſurrection*, and was a great Man in it. That among many ways propoſed of **Killing** the *King* and the *Duke*, Captain *VValcot* told him, That one was Deſign'd at the Lord *Mayor*'s *Feaſt* in the *Hall*, or upon their return home in *Pauls Church-Yard*, or at *Ludgate*, but that the *King* not Dining there, the thing was wholly diſappointed, and that Mr. *Ferguſon* told him the ſame thing. Then Mr. *Ferguſon* propos'd another way, That it ſhould be done, as the *King* and *Duke* went down the *River*, by *Perſons* that were to lye behind ſome ſmall *Ships* in a *Hoy*, and ſo over-run their *Barges*, or if that fail'd, to break a *Plank* with their *Blunderbuſſes*, and ſo ſink them. Another way was, At the *Play-Houſe*, where *Forty* or *Fifty Men* were to get into the *Pitt*, which had *Blunderbuſſes*, *Piſtols*, and *Swords*, and when the *Muſick* ſtruck up between the *Acts*, ſhould *Fire* upon the *Box*. But that this way ſeeming *Hazardous*, they thought it better to do it as he came back, and pitch'd upon *Covent-Garden*, under *Bedford-VVall*, in regard there was a *Conveniency* for a great many Men to Walk in the *Piazza*, and another parcel of Men might be planted in *Covent-Garden-Church-Porch*, and within the *Rails*, where *Horſes* could not come, and that while the Men within the *Rails* Fir'd, *Men in* the *Piazza* might engage the *Guards*, while they in the *Porch* came down and prevented them from *eſcaping*. And that all this was before Mr. *Ferguſon* went for *Holland*.

Mr. *Ferguſon* manages the Aſſaſſination, and the Inſurrection.

That afterwards there was another way propounded, and as he thought it was Collonel *Rumſey* who ſaid, that he wondred that

Lords and *Great men* who were so *fond* of the thing, did not buy somebody an *Office*, who should rail against the *Duke* of *Monmouth* and the Whiggs, and by that means get an *Opportunity* of *Access* to the Kings *Person*. That after the Lord *Shaftsbury* retired into *Holland*, Mr. *Ferguson* did so too, and Captain *Walcot* went with him. That in the mean time the *Witness* met Collonel *Rumsey* several times; and that several things were offered, but nothing resolved upon. That a little after *Christmas* there was a *meeting* at the *Salutation* in *Lumbard Street*, where it was agreed that Mr. *Ferguson* should be sent for, to which purpose the *Witness* wrote a *Canting Letter* to him, that he should come over for his *Health*, for that *He* was the only man that could manage the *Affair*. That after his coming over, there were several *Meetings* at the *Witnesses Chamber*, where Mr. *Ferguson*, Mr *Rumbold* and Mr. *Goodenough* undertook to provide *Men* for the *Assassination*.

Ferguson flies into *Holland*.

He returns and meets at Mr. *Wests* Chamber.

That the *Assassination* was agreed to be done, either upon the *going* to, or *returning* back of the *King* from *New-Market*. Upon which arose several *Debates*. That against *doing* it, upon *going down*; it was objected, that the *Guards* were left here and there, and they went together, but very often they return'd apart, and therefore it was not the safest way *going down*; and besides nothing else being prepared, it was resolved to be done *coming back*. That then it was considered what *Arms* were to be provided, which matter Mr. *Rumbold* undertook to manage and to procure some *Blunderblusses*, some *Carbines* and some *Pistols*, but as for other persons, they were to provide every one for himself. The Witness further added, that he asked Mr. *Ferguson* what provision of *Money* he had made, who answered that he should have *Money* when the *Men* were provided. That there were several debates about the manner of *Conveighance* of the *Arms* to *Rumbolds House*, but no *Resolution* taken. Then it was considered how they should put the *Design* in *Execution*, upon which it was proposed, That *one* party was to fall upon the *Coach-Horses*, a *second* upon the *Coach*, and a *third* upon the *Guards*, and that for Captain *Walcot* he would undertake nothing but the *Guards*.

Several debates, when to execute the design.

Capt. *Walcot* would undertake nothing but the Guards.

Here Captain *Walcot* interrupted the *Witness* with an *Interrogatory*, calling out, *what do you say* Sir? to which the *Kings Evidence* made answer with an *Affirmative*, that the *Prisoner* at the Bar was at his *Chamber*, and said that he was to command the Party of *Horse* that were to attack the *Guards*, who were to lye *perdue* at *Rumbolds* House, till the *King* just came down upon them.

Being asked where the *Arms* were to be carried? He said to *Rumbolds* House, who said he could keep them all private where no body could see them till the time of *Execution*; that there was a *Gate* which he could shut upon the *Guards* to prevent their coming into the *Rescue*, that Mr. *Rumbold* said he would bring them off, and because it was dangerous for them to go the road way, he would carry them over the *Meadows*, and come in by *Hackney Marsh*.

Walcot's way to get off when the buſineſs was done.

But the way which the *Priſoner* at the *Bar* did moſt approve of, was to retire within the Wall, and there keep cloſe till night, as being a place which they could defend againſt any force for a days time; and that this *Reſolution* was taken at his *Chamber*.

Then the *Witneſs* recollecting himſelf, told the Court, there was one thing which he had omitted, which was that in the firſt Diſcourſe with Captain *Walcot* concerning the *Inſurrection* in *November*, the *Priſoner* at the Bar told him, that the Lord *Shaftſbury* was preparing a *Declaration* to be publiſhed, in caſe of an *Aſſaſſination* or *Inſurrection*, and asked him if he would undertake to draw one, telling him, that he had made ſome *Collections* toward it himſelf, and ſhewed him a *Paper* which was a *Collection* of all the *Paſſages* in the *Raigns* of King *James*, K. *Charles* the *Firſt* and this *King*, which he called *Attempts* to introduce *Arbitrary Government* and *Popery*, taxing them with ſome perſonal *Vices*, and concluding that the *Government* was Diſſolved, and that therefore they were free to ſettle another, to which the *Witneſs* made anſwer, that ſuch an *Untertaking* required an exact *Knowledge* in *Hiſtory*, and that he would not undertake a thing for which he was not *Competent*, and that hereupon Captain *Walcot* deſired him to burn the Paper which he did.

Mr. *Weſt* refuſes to draw a *Declaration*.

Being asked what *Meetings* there were after the *diſappointment*? He anſwered, that when the *News* of the *Fire* came, they Adjourned to his *Chamber* and there conſidered what they had to do, and endeavoured to put things in a poſture to ſee if it could be done another day. To which purpoſe as far as he could remember, they met *Thurſday* and *Friday* Night. But becauſe they ſaid the *King* would be at home the next day, the buſineſs was laid aſide.

The reaſon why the *Arms* were called *Swans-Quills*, &c.

That about a day or two after he met Collonel *Rumſey* at the *Dolphin Tavern*, at what time Mr. *Keeling* came in; that there Collonel *Rumſey* was talking of *Piſtols* and *Blunderbuſſes* in down right *Engliſh*. That thereupon the *Witneſs* admoniſhed them, that it was a fooliſh thing to talk ſo before *Drawers*, which was the occaſion of calling them by the *Names* of *Swans-quills*, *Gooſe-quills* and *Crows-quills*. That the next week the *Priſoner* at the Bar Mr. *Goodenough*, Mr. *Ferguſon*, one *Norton*, and one *Ayliff* met at the *George* and *Vulture*; where, after ſome *diſcourſe* of the late *Diſappointment*, the reaſon of which was that they had not *Arms* in *Readineſs*, they agreed that *Arms* ſhould be bought, ten *Blunderbuſſes Twenty* or *two and Twenty Inches* in the *Barrel*, *Thirty Carbines Eighteen Inches*, and *Thirty Caſes* of *Piſtols* of *Fourteen Inches*. That the *Witneſs* was ordered to provide theſe *Arms*, becauſe he could be no other way ſerviceable to them, and could have a *pretence* for *buying* them, becauſe he had a *Plantation* in *America*. That he did beſpeak the ſaid *Arms* and pay for them, but had not his money a good while after, but at length was paid *Fourſcore* and *Thirteen Guneys*, which was ſomething more then the *Arms* coſt; and that he believed the Money was paid by Mr. *Charleton*; That in caſe the *Aſſaſſination* had gone on, they had deſigned to kill the Lord *Maior* and the *Sheriffs*,

Sheriffs, as many of the *Lieutenancy* as they could get, and the *Principal Miniſters* of *State*. The Lord *Rocheſter*, as being like to ſtand to the *Duke's Intereſt*; The Lord *Keeper*, becauſe he had the *Great Seal*, whom they alſo intended to hang upon the ſame *Poſt* that *College* was hang'd upon, for his *Death*. The Lord *Halifax*, as being one that profeſt himſelf of the *Party* before, and turned from the *Right ſide*. That Sir *John Moore* was to be *kill'd* as a *Betrayer* of the *Rights* and *Liberties* of the *City*, that the *Judges* were to be flead and ſtutt, and hung up in *Weſtminſter Hall*; and ſeveral of the *Pentionary Parliament*, as *Betrayers* of the *Rights* of the *People*. And that the *Priſoner* at the *Bar* was ſometimes at theſe *Meetings*, when theſe things were diſcourſed of, though not ſo often as the reſt.

The Mayor, Sheriffs, &c. to be killed, as alſo the Earl of *Rocheſter*, Lord *Keeper*, Lord *Halifax*,

Sir *John Moor*.

That after the *News* of the *Fire*, the *Priſoner* ſaid that he beleived God ſhewed his *Diſappointment* of theſe things, and deſired to have his Name concealed, upon which Mr. *Ferguſon* ask'd him, why he ſhould be aſhamed? ſaying that it was a glorious *Action* which he hoped to ſee publickly gratify'd by the *Parliament*, and queſtioned not but the *Priſoner* would be fam'd for it, and have *Statues* erected for him, with the *Title* of *Liberator Patriæ*.

Papillion and *Dubois* deſigned Sheriffs, and Ald. *Corniſh* Mayor.

The *Witneſs* farther added, that when the *Mayor* and *Sheriffs* were killed, they deſigned that Mr. *Papillion* and *Dubois* ſhould be forc'd to take the *Office* of *Sheriffs* upon them, which if they refuſed to do, they ſhould be uſed as the reſt, and that Sir *Thomas Gold*, Sir *John Shorter*, or Alderman *Corniſh*, ſhould be ſet up for Lord *Mayor*, but rather Alderman *Corniſh* as the fitter *Perſon*. That being asked by the *Witneſs* what they intended to do with the Kings *Natural Sons*, they ſaid they were good luſty Fellows, and would ſerve for *Porters* or *Watermen*, and that for the Lady *Ann*, they would marry her to ſome Country *Gentleman* for a *Breed* to keep out *Forraign Pretences*.

The Deſign continu'd and carryed on by the Lords, &c.

Being ask'd what he knew as to the *Continuation* of the *Riſing*, and whether it were *continu'd*? He made Anſwer, That about *Chriſtmas*, Colonel *Rumſey* told him there was a *Deſign* carrying on among the *Lords* and *Great Men*, by whom he always underſtood the Duke of *Monmouth*, the Lords *Ruſſel*, *Grey*, and *Howard*, Colonel *Sidney*, Mr. *Wildman*, and Mr. *Hampden*, for an *Inſurrection* which was *Deſign'd* to be done about *March*. That Colonel *Rumſey* and he *Diſcourſing* of it, the Colonel thought fit to draw up ſome things that were to be requir'd in behalf of the *People*, which was done, but that the Lord *Ruſſel* ſaid it was rejected, in regard that all ſhould be left to the *Parliament*.

Mr. *Holloway* propoſes to try what Forces they could raiſe without aſſiſtance from *Scotland*.

That at the *Young Devil Tavern*, he met with the *Priſoner* at the *Bar*, Colonel *Rumſey*, Mr. *Wade*, Mr. *Goodenough*, and one *Holloway*, a *Merchant* of *Briſtol*; where Mr. *Holloway* propos'd, That ſince the *Scotch Buſineſs* was broken off, they ſhould try what *Forces* they could *Raiſe* here. He farther added,

That the *City* was to be divided into twenty parts, and every twentieth part into fourteenths, and fifteenths, and the *Streets* and *Lanes* were allotted out. That one *Principal Man* was to have a twentieth part, and ſo many *Men* under him; and that they might not interfere one with another, they bought a great

Map

Map of the *City*. That at one of the *Meetings*, Mr. *Goodenough Reported*, That there were 1500 Men out of two of the *Hamlets*, and that there were ſeveral *Meetings* about this *Affair*; And being ask'd whether the *Priſoner* was at thoſe ſeveral *Meetings*? He Anſwered, Yes, and that he ſhew'd himſelf ready to act his part.

A Meeting after the Diſcovery.

Being ask'd whether they met after the *Diſcovery*? He Anſwered, That on the *Monday Morning* next, after the *Diſcovery*, of which he had notice upon the *Sunday* before, he met pretty early at Captain *Walcot*'s *Lodging*, whether ſoon after came all the reſt who had agreed to meet, but that they *Deſign'd* to go beyond *Sea*; But underſtanding the *Meſſengers* were abroad, and believing the *River* was beſet, every Man ſhifted for himſelf. That being thus retired, they got Mr. *Keeling* into the *City*, that *Rumbold* Diſcours'd him in the preſence of ſeveral *Perſons*; but that Mr. *Keeling* wiſhed a great many *Imprecations* upon himſelf, if he had Diſcover'd. That then, after ſome *Diſcourſe* of *Killing* him, they propos'd to him to go out of *Town* which he refuſed. That the ſame Night they trac'd him from place to place, and finding that he was gone to the *Secretaries Lodgings*, they took it for granted that the *Diſcovery* was made, and that every Man muſt ſhift for himſelf. That upon that, Mr. *Wade* ſaid, That if the Duke of *Monmouth* would go into the *Weſt*, they might try a puſh for it ſtill, and that the *Priſoner* at the *Bar* ſaid, That he was ſatisfi'd God would deliver the *Nation*, but that he did not approve of the preſent *Inſtruments*.

Walcot ſatisfyed, that God did not like the preſent Inſtruments, but would deliver the Nation.

Thus the ſum of what was faſtned upon the *Priſoner* was, That he was at ſeveral *Conſults* about *Killing* or *Securing* the *King*. That he went down to *Rumbold*'s *Houſe*, to view the place where it might be done with moſt ſafety, and that he undertook to *Fight* the *Guards*, if he might have a conſiderable number of Men.

To this Captain *Walcot* Pleaded, That he never was at *Rumbold*'s *Houſe*, but once as he *Travell'd* from *York* by *Norwich*, and ſo to *London*.

To which Colonel *Rumſey* Reply'd, That the *Priſoner* did buy a *Horſe*, and ſaid he intended to go down, and to the beſt of his *Remembrance*, ſaid, He was down. But that he bought a *Horſe* which coſt him 20 *l.* for that purpoſe he was certain.

But the *Priſoner* ſtill denying the *Matter of Fact*, and Pleading that he lay *Sick* of the *Gout*, all the while the *King* was at *New-Market*, a *Letter* was produc'd under his own hand to Sir *Lionel Jenkins*, *Secretary of State*, purporting, 'That being trou-

A Letter under his hand to Sir *Lionel Jenkins* produced.

'bled to ſee himſelf in His *Majeſties Proclamation*, he reſolv'd 'to lay himſelf at His *Majeſties Feet*, let him do with him what 'he pleas'd; and acknowledging his *Crime*, which he ſays was 'the firſt that he had Committed ſince his *Majeſties Reſtauration*, 'he purpoſed to Diſcover to him all that he knew Relating to '*England*, *Ireland*, and *Scotland*, which he ſuppoſed might be 'more then the *Original Diſcoverer* was able to acquaint His *Ma*-'*jeſty* with; And farther, That if His *Majeſty* thought fit, he 'would follow thoſe *Lords* and *Gentlemen* who were fled, and as 'ſoon as he could, would inform His *Majeſty* what meaſures 'they intended to take next. Otherwiſe he Reſolved to give His

'*Majeſty*

'*Majesty* no farther trouble, but to lye at his *Mercy*, let him do 'with him what he pleas'd.

Then Captain *Richardson* being Sworn, made *Oath*, That on *Sunday Night* Captain *Walcot* sent for him, and seemed very desirous to wait upon His *Majesty*, and to unbosom himself to the *King*. That *Yesterday Morning* his Son coming to him, he sent his *Clark* along with him to his *Father*, who Discovered a little *Paper* in his *Hand*, which he had intended to have given to his Son, which afterwards the *Prisoner* desired him to make no use of since he had Discovered it. The *Letter* was to Captain *Tracy* his *Landlord*, to speak to Colonel *Rumsey*, to be tender of him, and to tell him he had *Ground* enough to serve the *King* upon other Men. and to speak to Mrs. *West*, to desire the same thing of her *Husband*; and that the last words of the *Note* were, *If you cannot be private, leave the Issue to God.*

Cpt. *Walcot* sends for Captain *Richardson.*

To the whole the *Prisoner* Pleaded, That the *Witnesses* had made long *Speeches*, though very little, and yet too much Relating to him; Of a *Design* to *Assassinate* the *King*, and carry on a *War*, when he was out of the *Kingdom*; Of a *Declaration* drawn up at Mr. *Shephera*'s *House*, and of things not being ready upon Mr. *Trenchard*'s *failing*, when he was in *Holland.*

The Prisoner pleads his being out of *England.*

That as to his undertaking to Charge the *Guards* when he came into *England*, it was an improbable thing, for that he knew there was no difference between *Killing* the *King*, and *securing* the *Guards.* But it was plain, That the *Witnesses* had sufficiently dipp'd themselves, and therefore to save their own Lives, they had combin'd to take away his.

He denyed that the *Witness* made it out, That he was privy to Mr. *Goodenough*'s *Notes* about *Raising* of *Men*, or that he knew any of them.

He denyes himself privy to *Goodenoughs* Notes.

That the *Meetings* at his *Lodging* were by Colonel *Rumsey*'s *Appointment*, of which he knew nothing; and that he came among them accidentally sometimes only to hear *News*; neither was any thing agitated there that he knew of concerning *Killing* the *King*, or *Levying War.* He confessed he heard there was a *Design* by a great many *Lords* and *Gentlemen*, and others, for asserting their *Liberties* and *Properties*, but that he never was in any *Consultation* with them, or any *Message* to them, or ever saw the Face of any of those Lords that were said to be concern'd; and therefore it was improbable that he should be so far concern'd as the *Witness* seem'd to represent him.

Being ask'd why he frequented the Company where he heard those things? He Answered, It was his *Folly*, and conceiv'd it was only *Misprision of Treason.* For it was true, he had heard a great deal of what the *Witnesses* had said touching an *Insurrection*, but that he had no hand directly or indirectly in it, nor did the *Death* of the *King* ever enter into his thoughts directly or indirectly; And that when some *Gentlemen* talk'd to him of it, he abominated it as a *Scandalous Thing*, a reproach to the *Protestant Religion*, and that his *Children* would bear the reproach of it. But the *Court* told him he fail'd in his *Law*, for though to hear of *Treason* accidentally or occasionally and conceal it was but *Misprision*, yet if a Man would be at a *Consult* where *Treason*

was Hatch'd, and then conceal'd it, he was then Guilty of *Treason* it ſelf.

He alledges his undertaking in his Letter, to be upon his intimacy with Mr. *Ferguſon.*

The *Jury* then deſiring he might be ask'd what he had to ſay to the *Letter?* the *Priſoner* made Anſwer, That what he promiſed he undertook upon his *Intimacy* with Mr. *Ferguſon*, by whoſe means he believ'd he ſhould have an *Intereſt* with the reſt. That he did according to his promiſe, give an *Accompt* of what he had heard, but that the *King* was not pleas'd with him, becauſe he did not deſcend to particulars, which he could not do, in regard he had never been in their *Company*, nor knew any thing but what he had by a *private hand.*

As for his *Confeſſion* that *it was his firſt Crime*, it was only as far as *Miſpriſſion* went, having never acted or intended the *Treaſon.*

He produces a Witneſs about his *Gout.*

In the laſt place he produc'd one *Witneſs* to prove when he fell ill of the *Gout*, and how long it continu'd; who ſaid, That he could not certainly tell, but believ'd it was about *three Months*; nor could he certainly tell when it began.

He is found Guilty.

After this, the *King*'s *Serjeant* having ſumm'd up the *Evidence*, the *Lord Chief Juſtice* gave his *Charge* to the *Jury*, who after about half a quarter of an *Hours Conſideration*, return'd, and brought the *Priſoner* in *Guilty.*

THE

THE

Charge and Defence

OF

William Hone.

UPON *Friday* the 19*th*. of *July*, *William Hone* having been *Arraign'd* the Day before, and after ſome frivolous *Evaſions* pleaded not *Guilty*, was brought to his *Tryal* for *Conſpiring* and *Intending* the *Death* of the *King*, and the *Subverſion* of the *Government*, and for providing himſelf with *Arms* to that purpoſe. To this being a ſecond time asked according to the uſual *Cuſtom*, whether *Guilty* or not *Guilty*, he would have *retracted* his *Plea* of not *Guilty* and pleaded *Guilty*. Upon which being demanded by the *Court* whether he did confeſs the whole *Indictment*? He anſwered *Yes*, but being asked again whether he confeſſed that he did conſpire the *Death* of the *King*, and provide *Arms* to do the *wicked Act*? He anſwered that he did not provide any *Arms*, that his *Depoſition* before Sir *William Turner* was true, and that he was asked by Mr. *Richard Goodenough* to go along with him, that he asked whether? and then underſtood it was to **Kill** the *King* and the *Duke* of *York*, but was not told the place.

Hone deſires to retract his *Plea* and plead *Guilty*.

Which not being taken for a full *Confeſſion*, the *Kings Serjeant* deſired he might be tryed. So that the *Jury* were ſworn without any *Challenges*.

Nicholas Charleton	*William Rutland*
Chriſtopher Pitts	*Thomas Short*
Robert Beddingfield	*Theophilus Man*
John Pelling	*John Fenew*
William Winbury	*John Short*
Thomas Seaton	*Thomas Nicholas.*

Which done and the *Endictment* opened, Mr. *Joſias Keeling* was ſworn, who declared, that he ſaw the *Priſoner* at the *Dolphin Tavern*, where the *Arms* were agreed upon. That at the ſame time were preſent Mr. *Weſt*, Mr. *Goodenough*, and Mr. *Rumbold*, and that he remembred the *Priſoner* particularly. That it was then diſcourſed of the *Kings* coming home from *Newmarket* the *Saturday* after the *Fire*, and the ſeveral *Reports* of the *Town* concerning it. That upon their hopes that the *King* would not return upon *Munday*, Mr. *Weſt* asked *Rumbold* how many *Swans-quills*, *Gooſe-quills* and *Crowſ-quills*, and what *Sand* and *Ink* he muſt

Mr. *Keeling* Sworn.

muſt have; and that the *Priſoner* was by, and heard all the *Diſcourſe*. Being asked what was meant by all that? He anſwer'd, that by *Swanſ-quills* were meant *Blunderbuſſes*, by *Gooſe-quills*, *Muſkets*, and by *Crow-quills*, *Piſtols*, and by *Sand* and *Ink*, *Powder* and *Bullet*. That after that *Meeting* the *Priſoner* took *acquaintance* with him, and after ſome time told him, that he was one of thoſe that was to *Aſſaſſinate* the *King*. That after that, at a *Coffee-Houſe* in *Swithins Alley*, the *Priſoner* told him, that it would never be well till the *Black-bird* and the *Gold Finch* were *knock'd o'th Head*, and that asking him what he meant by thoſe *Terms*, he anſwered the *King* and the *Duke* of *York*.

He told the Witneſs he was put down to Aſſaſſinate the King.

Then the *Priſoner* being admitted to ask the Witneſs any *Queſtions*, he ſaid that he own'd it as to the *Black-Bird*, but that as to the *Goldfinch* he never heard a word of it till then.

Mr, *Weſt*'s Teſtimony.

Mr *Weſt* being ſworn, declared that he was at the *Meeting* before mentioned when Mr. *Keeling* came in; that ſeveral things were ſaid of *Swanſ-quills*, &c. but that this Man did not come in till that *Diſcourſe* was over, and that he was ſure he did not ſpeak of any thing of that nature before this *Man* in his *Life*. That Mr. *Goodenough* did undertake to provide the *Man*, and ſaid he would try him whether he would attempt upon the *Duke* without the *King*. That he asked the *Priſoner*, whether he had ſeen Mr. *Goodenough*? Who anſwered, that he had; and that he had ſpoke to him about a little *Fob* for the *Duke*; and that Mr. *Goodenough* ſaid he had ſpoken to him fully about the thing. That he ſaw him often in the Company of *Manning*, who was deſign'd to be another of the *Aſſaſſinaters*. That being once at his *Chamber*, the *Priſoner* ſaid to him, *Maſter, ſhall we do nothing?* adding, that if the Duke of *M.* would be but true, and appear, he would bring 50 or 60 *honeſt Men* of the other ſide of the *Water*, who would do the buſineſs. That upon asking him what *buſineſs?* he anſwered either a *Briſk Puſh*, which the Witneſs took for an *Inſurrection*, or the two *Brothers*. That upon asking him what two *Brothers* he meant? He reply'd, the *Captain* and *Lieutenant*, which were the *Terms* they us'd ſince the *Van Herring* was Printed. Here Mr. *Weſt* put in, that he thought the *Priſoner* was a *good honeſt Fellow* before that time, but that he thought he was deluded by *Goodenough*.

Upon which the Lord *Chief Juſtice* ask'd him, whether he came to juſtifie thoſe things?

Mr. *Weſt* reply'd that he had been baſely deluded, and that he was ſorry for the *poor Fellow*.

Which caus'd the Lord *Chief Juſtice* to tell him that it was an *unuſual thing* for men in his *Condition* to uſe ſuch *Expreſſions* in ſuch a *Caſe*. And being afterwards told by the *Kings Serjeant*, that he found him not worthy the *Mercy* the *King* had ſhewn him, then Mr. *Weſt* reply'd. *that it was a word he put from him unawares.*

Sir *Nicholas Butler* proves the Priſoner always ready for ſuch evil deſigns.

Then Sir *Nicholas Butler* being ſworn, declared, That he had known the *Priſoner* for many Years, and had always known him Guilty of *Plotting* and *Contriving*, and upon all occaſions ready to embrace any thing for thoſe purpoſes laid to his *Charge*. Particularly, that when Sir *Francis Chaplain* was Lord *Mayor*, and that the *King* ſtood at Mr. *Waldo*'s, the *Angel* being much

ſhaken

ſhaken, the *Priſoner* came to his *Houſe* and told him, that now they had a fair *Opportunity* to take off the *King* and the *Duke* at once; to which purpoſe there were to be half a dozen with *Croſs-Bows*, who would go into the *Steeple*, where there was a Window juſt oppoſite to the *Balconey*. That thereupon he went to the *King* and the *Duke* of *York*, and gave them this accompt, and deſired them to ſet ſome to watch the *Place*, and to ſearch if any were got into the *Steeple* before they came. That one *Horſel* was appointed to watch them accordingly, but none came. And that when he was examined before the *King*, the *Priſoner* confeſſed all thoſe things.

Captain *Richardſon* being ſworn gave evidence, That he went along with Sir *Nicholas* when he examined the *Priſoner* as to this thing. Who then ſaid, that Mr. *Goodenough* came to him and told him he wanted *Labourers*. That Mr *Goodenough* told him, it was to kill the *King* and the *Duke* of *York*, and that he confeſſed he did agree to be one of the Perſons would undertake it; and that *Goodenough* promiſed him *Twenty Pound* to buy him an *Horſe* and *Arms*. That he confeſſed the buſineſs of *Rye*, which place he did not know, but ſaid it was the place where the *King* was to be murder'd.

He Agrees with *Goodenough* to kill the King and the Duke of *York*.

To all this the *Priſoner* ſaid little or nothing, only that he did not know the place where, nor when it was propoſed about the *Rye*, and that he was drawn into it by Mr. *Goodenough*.

That as to the *Croſs-bows*, he was only told it, but never deſigned it.

Being asked what *Religion* he profeſſed, he anſwered, That he heard ſometimes *Baptiſts*, ſometimes *Independents*, and ſometimes *Preſbyterians*.

After a ſhort *Charge*, the *Jury* brought him in *Guilty*, without ſtirring from the *Bar*.

THE

Charge and Defence

OF THE

Lord RUSSEL.

THE ſame *Fryday Morning* being the 13*th* of *July*, the Lord *Ruſſel* was ſet to the *Bar*, within the *Bar*.

He was charged as were the former, for *compaſſing*, *imagining* and *intending* the death of the *King*, and the *Subverſion* of the *Government*.

To this being required to plead, he deſired that he might have a *Copy* of what was laid to his *Charge*. But the *Court* informing him, that they could grant nothing till he had pleaded, he then pleaded not *Guilty*.

Which done, he told the *Court* that he thought no *Priſoner* had been *Arraigned* and *Tryed* at the ſame time: and urged that he had been a *Cloſe Priſoner*. To which the *Court* replied that it was continually done in *Crimes* of this *Nature*: and it was farther told him, That he has had a great deal of *Favour* ſhewn him already, in that he had been acquainted with his *Crimes*, and that he had had the *Liberty* of *Counſel*, which had not been known granted to any under his *Circumſtance*.

The Court makes him ſenſible of the favour ſhewn him.

The *Priſoner* alledged that he had only heard ſome *general Queſtions*, and that he had *Witneſſes* which he believed would not be in Town till Night, and therefore thought it very hard that he could not have one day more.

To which it was anſwered that he had notice upon the *Monday* was a ſeven night before, and that the *Queſtions* he was examined upon, where a favour to him, that he might know the matter he was charged with, and therefore if the *Kings Counſel* did not think it fit, the *Court* could not put off his *Tryal*.

He deſires a Copy of the Pannel which was proved to be delivered to his Gentleman.

The next thing he deſired was a *Copy* of his *Pannel*, to which the Lord *Chief Juſtice* replied that it had been ordered him, and the *Attorney General* ſaid that he had indulged him ſo far, that he might have a *Note* of the Men returned: The *Secondaries* alſo affirmed, that they had delivered it to his *Gentleman*. To which my Lords *Gentleman* made anſwer that he had only ſome Names out of a *Book*. Whereupon my *Lord* inſiſting that he had no *Pannel* but only ſome Names of *Perſons* uſually upon *Juries*, it was told him by the *Court* that no other *Pannel* could be given him, and then the *Secondary* being ask'd *affirmed*, that he had had the *Copy* of a *Hundred Names*.

Never-

Nevertheleſs his *Lordſhip* ſtill urging for a *Copy* of the *Pannel*, and that his *Tryal* might be put off till the *afternoon*, in regard he had a *Witneſs* that was not in *Town*, the Lord *Chief Juſtice* condeſcended ſo far as to ask the *Attorney General*, why the *Tryal* might not be reſpited till the *Afternoon*? But the *Attorney General* giving no *Anſwer* to it, the *Court* Proceeded.

Then the *Priſoner* deſired to know whether he might have *Pen* and *Ink*, and a perſon allowed to write for him; to which it was anſwered him, that he might have two if he pleaſed. He is allowed *Pen* and *Ink* and two to write for him.

Sir *Andrew Foſter* being then called, he ſaid that his Name was not in his *Liſt*; but it was replyed that he was not called as one of the *Jury*.

After which, the *Court* Proceeding to call the *Jury*, and *John Martin* being named, the Lord *Ruſſel* asked whether he were a *Freeholder* of *Forty Shillings* a *Year*; ſaying that He thought that none were allowed but ſuch as were *Freeholders*. The Priſoner inſiſts upon *Freeholders*.

To this the *Court* replyed, that no *Pannel* was made in *London* by *Freeholders*, for that the *Eſtates* in *London* belonging either to the *Nobility* and *Gentry* that liv'd out of it, or to *Corporations*, *London* was excepted.

To this the *Priſoner* urged the *Statute* of the 2 of *Henry* 5*th*. wherein he ſaid it was poſitive that in caſes of *Life* and *Death*, no man ſhould be judged but by thoſe that have *Forty Shillings* a Year.

But the *Attorney General* not allowing the *Priſoners Exception*, the Lord *Ruſſels Counſel* were called and aſſigned him again by the *Court*, Mr. *Poluxfen*, Mr. *Holt* and Mr. *Ward*; who after they had learnedly argued what they took to be the *Law* in that caſe, were ſo fully anſwered by the *Kings Counſel*, that it was adjudged by the whole *Court*, that in caſe of *Treaſon*, *Freehold* was no good *Cauſe* of *Callenge*. However it was told him he would have as good a *Jury* and better then he would have had in the *Country*, of four pound a Year *Freeholders*. The reaſon of the *Law* being, to the end no ſlight Perſons ſhould be put upon the *Jury*, where the *Life* or *Eſtate* of a *Man* comes in *Queſtion*, but that in the *City* the *Perſons* Impannelled were Men of *Subſtance*, who had a great deal to loſe, and therefore his *Lordſhip* had the ſame in *Effect*, as if a *Challenge* were allowed of a *Freeholder*. And this was the *Opinion* of eight of the *Judges* being preſent.

This *Diſpute* being over, the *Jury-Men* were call'd, and after the *Priſoner* had challenged one and thirty, the following perſons were ſworn. The *Jury* ſworn.

John Martin	*William Butler*
William Rouſe	*James Pickering*
Fervas Seaton	*Thomas Feve*
William Faſhion	*Hugh Noden*
Thomas Short	*Robert Brough*
George Toriano	*Thomas Oneby.*

The *Jury* being thus ſworn, and the *Indictment* opened by the *Kings Counſels*, Collonel *Rumſey* was firſt ſworn; who gave in *Evidence*.

That

That about the latter end of *October* or beginning of *November*, he was at the Lord *Shaftsbury*'s *Lodgings*, where he lay near *Wapping*, and that he told him, there were met at one Mr. *Shepheard*'s House, the *D.* of *M.* the Lords *Russel* and *Grey*, Sir *Tho. Armstrong* and Mr. *Ferguson*. That his *Lordship* desired him to speak to them, to know what *Resolution* they were come to about the *Rising* at *Taunton*. That he went to Mr. *Shepheards*, who carryed him up where they were, and that the Answer which was then made him was, That Mr. *Trenchard* had fail'd them, and there would be no more done in the *Matter* at that time: for that he had promised a *Thousand Foot*, and *Three Hundred Horse*, but could not perform it, and therefore that the Lord *Shaftsbury* must be content. That Mr. *Ferguson* spoke most of the Answer, and that as far as he remembers, the Lord *Grey* said something to the same purpose; but that the Lord *Russel* and the Duke of *Monmouth* were present, and that thereupon the Lord *Shaftsbury* prepared to be gone.

Being ask'd how long he was at Mr. *Shepheards*? He said, About a Quarter of an Hour.

Being ask'd what *Discourse* happened while he was there? He Answered, He was not certain whether he heard it there, or whether Mr. *Ferguson* Reported to the Earl of *Shaftsbury*, that they had debated it there.

The Guards undertaken to be view'd, and the Prisoner then present.

The *Witness* farther added, That there was some *Discourse* by all the *Company* that was there, about seeing in what posture the *Guards* at the *Savoy* and *Mews* were: which was first began by Sir *Thomas Armstrong*, and Mr. *Ferguson*, and the business undertaken by the Duke of *Monmouth*, the Lord *Grey*, and Sir *Thomas Armstrong*, and that the *Prisoner* was there when they undertook to take the view.

The Rising to have been on the 19th. of *November*.

As to the *Rising* he farther added, That it was to have been the 19*th.* of *November*, that it was determined, and that he was to have gone to *Bristol* by the order of the Earl of *Shaftsbury*.

Being ask'd whether the Lord *Russel* gave his consent? the *Witness* made Answer, He did.

The Lord *Russel* being now permitted to ask the *Witness* what *Questions* he pleas'd, desired to know whether he gave any Answer to the *Message* about the *Rising*? The *Witness* Reply'd in the *Affirmative*, That the *Prisoner* did speak about the *Rising* at *Taunton*.

And then being ask'd by his *Lordship*, Whether he in particular gave his consent to the *Rising*? he again confirmed what he had said before.

Mr. *Shepheard* being Sworn, Declared, That in *October*, as far as he remembred, Mr. *Ferguson* came to him in the Duke of *Monmouths* name, and desired the conveniency of his *House* for him, and some other *Persons* of *Quality* to meet. That in the *Evening* came the Duke of *Monmouth*, the Lords *Grey* and *Russel*, Sir *Thomas Armstrong*, Colonel *Rumsey*, and Mr. *Ferguson*. That Sir *Thomas Armstrong* desired him, that none of his *Servants* might come up, but that they might be private. That the *Substance* of their *Discourse* was, How to surprize the *Guards*, in order to which, as far as he remembred, the Duke of *Monmouth*,

The Duke of *Monmouth*, the Lord *Grey*, and Sir *Thomas Armstrong*, go to view the Guards.

the

the Lord *Grey*, and Sir *Thomas Armſtrong*, went one Night to the *Mews* to view the *Guards*. That the next time they came to his *Houſe*, he heard Sir *Thomas Armſtrong* ſay, *That the* Guards *were very remiſs in their places, and not like* Souldiers, *and that the thing was feaſible if they had ſtrength to do it.*

Being ask'd whether they came in *Coaches*, and in the *Dark*? He Reply'd, That they came in the *Evening* imediately one after another, but he did not let them in.

Being ask'd whether the *Priſoner* were there both time? He Anſwered, Yes, to the beſt of his remembrance.

Being ask'd whether there were any *Coaches* at his *Door*? He Anſwered, None that he ſaw.

A Declaration read, ſetting forth the Grievances of the Nation.

Being ask'd whether he remembred any *Papers* read at that time? He Anſwered, upon Recollecting his *Memory*, That there was a *Paper* in the *Nature* of a **Declaration**, ſetting forth the **Grievances** of the *Nation* read by Mr. *Ferguſon*, but who was preſent at the *Reading*, whether all or no, he could not remember; particularly he could not ſay the Lord *Ruſſel* was there at the reading it.

The L. *Howard* being next Sworn, gave a long *Evidence*, The ſum of which was after he had made a *Recapitulation* of ſeveral *Deſigns* of the Earl of *Shaftsbury*, that upon the Earl of *Shaftsbury's* withdrawing, thoſe *Perſons* who were concern'd, began to lye under the ſame *Apprehenſions* that the Earl of *Shaftsbury* did. That they had gon too far and Communicated the *Deſign* to ſo many, that it was unſafe to make a *Retreat*, That therefore it being conſidered, that ſo great an *Affair*, conſiſting of ſo many nice particulars, could not be managed but by ſome general *Council*, that ſhould take care of the whole, they reſolved to erect a little *Cabal* among themſelves, conſiſting of ſix *Perſons*, which were the Duke of *Monmouth*, the Lord *Ruſſel*, the Earl of *Eſſex*, Mr *Hampden* Junior, *Algernoon Sidney*, and *Himſelf*.

A Council of ſix erected, of which the Priſoner one. A ſecond meeting at the Lord *Ruſſel's* Houſe.

That theſe ſix *Perſons* met about the middle of *February*, at Mr. *Hampden's Houſe*, where it was agreed what their *Buſineſs* was, which was, to take care of the whole. That as to particulars, the things that Challenged their care ſhould be, Whether the *Inſurrection* were moſt proper to be begun in *London*, or in the *Country*, or both in an *Inſtant*?

What *Countries* & *Towns* were *fitteſt*, & moſt *diſpos'd* to *Action*.

What *Armes* were neceſſary to be got, and how to be diſpoſed.

How to *Raiſe* a *Common Bank* of 25 or 30000 *l.* to anſwer all Occaſions.

And laſtly how to order it ſo, as to draw *Scotland* to conſent with them, it being thought neceſſary that all *Diverſion* ſhould be given.

That there was another *Meeting* of all the ſame ſix *Perſons* ten days after at the Lord *Ruſſel's Houſe*, where they came to a *Reſolution*, That ſome *Perſons* ſhould be ſent to the Lord *Arguile*, to ſettle an *Underſtanding* with him, and that ſome *Meſſengers* ſhould be ſend into *Scotland*, to invite ſome *Perſons* hither, that were judged moſt able to underſtand the *State* of *Scotland*, and give an *Accompt* of it. That the *Perſons* agreed on were Sir *John Cockrane*, and the Lord *Mehin*, with one more, whoſe Name he

since understood to be Sir——*Campbel*. And that in *Discourse* it was refer'd to Colonel *Sidney*, to take care of that *Business*.

That afterwards Colonel *Sidney* told him, he had sent *Aaron Smith*, and given sixty *Guineys* for his *Journey*.

The Lord *Russel* at the Meeting about *Scotland*, and consented to it.

Being ask'd whether he was sure the Lord *Russel* was at that *Meeting*? He Answered, That he wish'd he could not say it.

Being ask'd whether he consented? the Lord *Howard* made Answer, That they did not put it to the *Vote*, but it went without *Contradiction*, and he so took it, that all that were present gave their consent.

The Lord *Russel* being now permitted to ask the Lord *Howard* any *Questions*, said, That what the Lord *Howard* had said of him was only *Hearsay*. That the two times they met, it was upon no formed *Design*, only to talk of *News* and *Things* in *General*. That the Lord *Howard* was a Man of a *voluble Tongue*, *talk'd well*, was full of *Discourse*, and they were delighted to hear him. That for the *Scotch Gentlemen*, he never saw any of them, only the Lord *Melvil* he had seen, but not upon this *Accompt*. There the *Atturney General* urg'd, That *Aaron Smith* did go into *Scotland*, and that *Campbel* he went for was taken, and then call'd Mr. *Atterbury* the *Messenger* to prove his *Apprehension*; who being Sworn Declared, That Sir *Hugh Campbel* was then in his *Custody*, and that he had been by his own *Confession* four days in *London* before he was *Apprehend'd*.

Mr. *Atterbury* swears Sir *Hugh Campbel* in Custody.

Then Mr. *West* being Sworn, Declared, That as to the Lord *Russel*, he never had any *Conversation* with him at all, but that Mr. *Ferguson*, and Mr. *Rumsey*, told him, That the Lord *Russel* intended to go down and take his *Post* in the *West*, where Mr. *Trenchard* had fail'd them; And that they always said, The Lord *Russel* was a Man they most depended upon, because he was a *Person* lookt upon as of great *Sobriety*.

The Lord *Russel* the person most looked upon by the Party.

Here the *Court* Declared, That what Colonel *Rumsey*, or Mr. *Ferguson* told Mr. *West*, was no *Evidence*, so that the *King*'s *Council* resolved to rest upon what they had already prov'd.

The sum then of the *Evidence* against the Lord *Russel* was, That Colonel *Rumsey* was sent upon a *Traytorous Message* by the Earl of *Shaftsbury*, to a *Meeting* where his Lordship was, and that the Answer was return'd his *Lordship* being there; and that there was a *Discourse* at the same time of an *Insurrection* to be made, and a *Declaration* read, to be *Printed* upon the *Rising*, seting forth the *Oppressions* and *Grievances* of the *Nation*, and *Discourse* of surprising the *Guards*. That six *Persons*, of which his *Lordship* was one, did erect themselves into a *Council* to manage the *Insurrection* and *Raising* of Men.

His *Defence*.

To all this the Lord *Russel* made Answer, That he could not but think himself mighty unfortunate to stand there Charg'd with so high a *Crime*, and that intermix'd with the Horrid *Practises* and *Speeches* of other *People*, while the *King*'s *Council* took all advantages to heighten things against him. That he was no *Lawyer*, and a very unready *Speaker*, and altogether a *Stranger* to things of this *Nature*. That he was sensible he was not so provided, as to make his *Defence* as otherwise he should do; But that his *Lordship* thought the Gentlemen of the *Jury* were Men

of

of *Conſciences* that valu'd *Innocent Blood*, and hop'd they would conſider the *Witneſſes*, that they Swore to ſave their own *Lives*. Neither was what Colonel *Rumſey* Swore enough to take away his *Life*; or if it were, the time was Elapſed by the 13*th*. of the *King*, which limits *Proſecution* to *Six Months*. Neither was the *Deſign* of *Levying War*, *Treaſon*, unleſs it appeard by ſome *Overt Act*, as appears by the 25*th*. of *Edward* the 3*d*. And then deſiring to know upon what *Statute* he was *Endicted*, it was told him by the *Statute* of the 25*th*. of *Edward* the 3*d*. upon which he inſiſted upon theſe two Points as *Matter* of *Law*, and prayed to be heard by his *Council*, whether the *Treaſon* were duly prov'd, and if it were, whether it were puniſhable by the *Statute*.

He inſiſts upon two Points of the Law, and deſires Council.

In Anſwer to which the *Court* informed him, That if he were contented that the *Fact* ſhould be taken as prov'd againſt him, and deſired Counſel upon what was bare *Matter* of *Law*, he he ſhould have it granted; but that there could be no *Matter* of *Law* admitted, but upon a *Fact* admitted and ſtated. And whereas he inſiſted, that the buſineſs at Mr. *Shepheard*'s *Houſe* was ſworn to only by one *Witneſs*; It was Anſwered, That if there were one *Witneſs* of one *Act* of *Treaſon*, another of a ſecond, another of a third, that manifeſted the ſame *Treaſon*, it was ſufficient.

After the Lord *Ruſſel* had ſeveral times inſiſted upon the ſame *Objections*, and had received ſeveral undeniable *Anſwers* to the ſame effect, the Lord *Angleſey* ſtood up, who declared, That upon a Viſit which he gave the Earl of *Bedford*, in his trouble for the *Affliction* of his *Son*, the Lord *Howard* came in while he was there, and to comfort the Earl us'd theſe Expreſſions. *My Lord, you are happy in having a wiſe Son, and a worthy Perſon, one that can never ſure be in ſuch a Plot as this, or ſuſpected for it, which may give your Lordſhip Reaſon to expect a very good Iſſue concerning him. I know nothing againſt him or any Body elſe, and therefore your Lordſhip may be comfort dconcerning him.*

The Lord *Angleſey*.

After him Mr. *Edward Howard* ſtood up, who declared, That upon ſerious *Diſcourſe* with the Lord *Howard*, he took it upon his *Honour* and his *Faith*, That he knew nothing of any Man concern'd in the *Plot*, and particularly of my Lord *Ruſſel*, whom he Vindicated with all the *Honour* in the *World*. So that if the Ld. *Howard* had the ſame heart on *Monday* that he had on *Saturday*, it could not be true what he Swore againſt the Lord *Ruſſel*. To which he added, That he thought the Lord *Ruſſel* did not only unjuſtly ſuffer, but he took God and Man to *Witneſs*, That he thought him the wortieſt *Perſon* in the *World*.

Mr. *Edward Howard*.

Dr. *Burnet* declared, That the Lord *Howard* was with him the Night after the Plot broke out, and did then as he had done before, with *Hands* and *Eyes* lifted up to *Heaven* proteſt, That he knew nothing of any Plot, nor believ'd any, and Treated it with great Scorn and Contempt.

Dr. *Burnet*.

The Lord *Cavendiſh* declared, That he had the *Honour* to be acquainted with the Lord *Ruſſel* a long time, and that he always thought him a Man of great *Honour*, and too *Prudent* and *Wary* to be concern'd in ſo vile and deſperate a *Deſign* as this, and from which he would receive ſo little advantage. He ſaid he could ſay no more, but that two or three days after the *Diſcovery* of the Plot,

The Lord *Cavendiſh*.

Plot, upon *Diſcourſe* about Colonel *Rumſey*, the Lord *Ruſſel* did expreſs ſomething as if he had a very ill *Opinion* of the Man, and therefore it was not likely he would entruſt him with ſuch a Secret.

Dr. *Burnet.* Dr. *Burnet* again declared, That he had been for many Years laſt paſt acquainted with the Lord *Ruſſel*, and always judg'd him a *Perſon* of great *Worth* and *Integrity*, and had declared himſelf with much *Confidence* to him, and had always upon all Occaſions expreſſed himſelf againſt all *Riſings*, and when he ſpoke of ſome *People* that would provoke to it, he expreſſed himſelf ſo determin'd againſt that *Matter*, that no Man could do more.

Dr. *Cox.* Doctor *Thomas Cox* declared, That having been very much with the Lord *Ruſſel* of *late*, that is to ſay for a *Month* or *Six Weeks* before the *Plot* brake out, he had occaſion to ſpeak with him in *Private* upon theſe *publick Matters*, But that he always found that his *Lordſhip* was againſt all *manner* of *Riſings*, and thought it the *greateſt Folly* and *Madneſs*, till things ſhould come in a *Parliamentary-way*. That he had heard him profeſs ſolemnly, that he thought it would ruin the beſt *Cauſe* in the *World*, to uſe any of thoſe *Irregular ways* for *preſerving* it, and particularly that his *Lordſhip* had expreſſed himſelf concerning thoſe two *Perſons*, the Lord *Howard*, that he was a *Man* of *Luxuriant parts*, but had the ill luck not to be much truſted by any *Party*; and Collonel *Rumſey* that he knew him *Little*, and that he had nothing to do with *Him*, but in the Lord *Shaftſbury's Buſineſs*.

The Duke of *Somerſet.* The *Duke* of *Somerſet* declared that he had known the Lord *Ruſſel* for about two years, and had much *Converſation* with him, but never heard any thing from him, but what was *Juſt*, *Honourable* and *Loyal*.

The Jury deſires the Lord *Howard* to anſwer the point teſtifyed by the Ld. *Angleſey*. Here the *Gentlemen* of the *Jury* deſired to ask the Lord *Howard* ſomething upon the point, the Lord *Angleſey* teſtify'd, and to know what *Anſwer* he made to the Lord *Angleſey*.

Thereupon the Lord *Chief Baron* asked him what he ſaid to it, that he told his *Father*, he was a *Diſcreet Man*, and he need not fear his *Ingagement* in any ſuch thing?

Which he does. To which the *Lord Howard* anſwered, that he confeſſed he did ſay it, for he was at that time to outface the thing both for *himſelf* and his *Party*, and did not intend to come to that *Place* and *Act* that *Part*. But *God* well knew how it was brought upon him, and with what *unwillingneſs* he ſuſtained it, but his *Duty* to *God*, the *King* and his *Country* required it. Beſides that it was upon that which every man was committed for, that he took hold, when he made his ſolemn *Proteſtations*, for all that were committed for a *Deſign* of *Murdering* the *King*; and ſo were he an *Enemy* to the Lord *Ruſſel*, and brought in a *Witneſs* againſt him, he was bound to have declared in the *Preſence* of *God* and *Men*, that he did not think he had any *Deſign* to *Murder* the *King*.

After this the Lord *Clifford* declared, That he always took the Lord *Ruſſel* to be a very worthy honeſt man, and that he never ſaw any thing in his *Converſation*, to make him believe otherwiſe.

Mr.

Mr. *Luton Gore* declared, that he had been acquainted with the Lord *Ruſſel* ſeveral *Years*, and converſed much with *him*, but that in all his *Diſcourſe* with *him*, he never heard any thing fall that tended in the leaſt to any *Riſing* or any thing like it. That he took him to be one of the beſt *Sons*, one of the beſt *Fathers*, one of the beſt *Maſters*, one of the beſt *Huſbands*, one of the beſt *Friends*, and one of the beſt *Chriſtians* in the *Land*. Mr. *Luton Gore*,

Mr. *Spencer* declared, that he had known the Lord *Ruſſel* many *Years*, and had been much with *him* in *his Houſe*, but never ſaw any thing by *him*, but that he was a moſt *Vertuous* and *Prudent Gentleman*, and that he had *Prayers* Conſtantly twice aday in *his Houſe*. Mr. *Spencer*.

Doctor *Fitz Williams* declared, That by all the *Converſation* of *fourteen Years* which he had had with the Lord *Ruſſel*, he ever eſteemed him a *Man* of that *Vertue*, that he could not be *Guilty* of ſuch a *Crime*, as the *Conſpiracy* he ſtands Charged with.

Then the Lord *Ruſſel* himſelf made a ſhort *Concluſion*, wherein he declared that he had always had a *Heart* ſincerely *Loyal* and *Affectionate* to the *King* and the *Government*, the beſt *Government* in the *World*. That he prayed as ſyncerely for the *Kings long* and *happy Life* as any Man *alive*, and therefore for him to go about to raiſe a *Rebellion*, which he looked upon as ſo *wicked* and *unpracticable* was unlikely. Beſides that if he had been inclined to it, by all the obſervation he had made in the Country, there was no tendency to it, That he was always for the *Government*, and never deſired any thing to be redreſſed but in a *Parliamentary way*. That he had been always againſt *Innovations*, and all *Irregularities* whatſoever, and ſhould be as long as he lived, whither *ſooner* or *later*. Then applying himſelf to the *Jury*, *Gentlemen* ſaid He, *I am now in your Hands Eternally*, *my* Honour, *my* Life *and* All *and I hope the* Heats *and* Animoſities *that are among you, will not ſo* byaſs *you, as to make you in the leaſt encline to find an* Innocent Man Guilty; *I call* Heaven *and* Earth *to* Witneſs, *that I never had in my Life a* Deſign *againſt the* Kings Life. *I am in your Hands, ſo* God *direct you.*

The Lord *Ruſſel* having thus concluded his *Defence*, the *Kings Counſel* proceeded to Sum up the *Evidence*, after which the Lord *Chief Juſtice* delivered his *Charge* to the *Jury*, and ſo the *Court* adjourned till four a Clock in the *Afternoon*, at what time the *Court* being met again, the *Jury* returned and brought in the Lord *Ruſſel* Guilty of the *High Treaſon* laid to his *Charge*.

THE Charge and Defence OF John Rouſe.

John Rouſe brought to his *Tryal.*

UPON *Fryday* in the *Afternoon*, being the 13*th.* of *July*, *John Rouſe* who had been *Arraigned* and *Pleaded* not *Guilty* was again brought to the *Bar.*

His *Charge* was for Conſpiring the *Death* of the *King*, and *declaring* it by *Overt Acts*, that is endeavouring to *raiſe Men* to *ſieze* the *Tower*, and to make an *Inſurrection* and *Rebellion* within the *Kingdom.*

Before the *Jury* was ſworn, he mov'd the *Court* for longer time, alledging that he had had no longer notice of his *Tryal* then ſince *Monday Morning*, and that he had had no *advantage* of his *Notice*, for though notice was then given him, he had no *Liberty* of ſending for any body till *Wedneſday*, and that about eight or nine a Clock on *Wedneſday Night*, one came and told him that he ſhould have no Liberty of *Counſel*, unleſs he had it from the *Court*, ſo that he had not been able to get his *Witneſſes* ready. That he deſired nothing but as an *Engliſh-man*, to which the *Court* replied, that as an *Engliſh-man* he could demand no time to prepare for *Tryal*, for they that will commit *Crimes* muſt be ready to anſwer for them and defend themſelves.

That 'twas matter of *Fact* he was charged with, and therefore he could not but know long ago what he was to be tryed for; for he was taken up and charged with *High Treaſon*, that he might then have reaſonably conſidered what *Evidence* would be againſt him. That if he were an *Innocent Perſon*, he might defend himſelf without *Queſtion*, That if he had done an ill thing, the *Law* did not deſign to ſhelter him under any *Subterfuge*, as to prepare *Witneſſes* to teſtifie an *untruth* for him.

Capt. *Blague* to be tryed ſeperately from *Rouſe.*

Here the *Kings Serjeant* ſignifyed, that in regard Capt. *Blague* did deſire not to be joyned with the other, that the *Kings Counſel* were content that *Rouſe* ſhould be tryed firſt, Thereupon after ſeveral *Challenges* the *Jury ſworn* were.

Robert

Robert Benningfield	*Richard Hoare*
John Pelling	*Thomas Barnes*
William Winbury	*Henry Robbins*
Theophilus Man	*Henry Kemp*
John Short	*Ed. Raddiſh*
Thomas Nicholas	*Ed. Kemp.*

The *Indictment* being opened by the *Kings Counſel*, *Thomas Leigh* was ſworn; But before he could ſpeak, the *Priſoner* excepted againſt him, wondring with what *Confidence* he could look him in the Face at that time. The *Priſoner* objected againſt him, that he was a perſon who was ſworn againſt by two *Perſons*, to have a hand in the *Plot*, and that being taken up and Conſcious to himſelf, that he was Guilty of ſuch notorious *Crimes*, and knowing he was pretty well acquainted with him, he was afraid the *Priſoner* would ſwear againſt him, and therefore he took the boldneſs to ſwear againſt him firſt.

He objects againſt the *Evidence.*

But this was not allowed to be any *Objection*, ſo that the *Witneſs* being ordered to proceed, delivered his *Evidence*:

That he had been concerned in the *Conſpiracy*, and knew ſomething of it, but that he believed the *Priſoner* knew a great deal more. That Mr. *Rouſe* took him to the *Kings-head Tavern* in *Swithings Alley*, whither after ſome time Mr. *Goodenough* came, there being then a *Club* of Men that were of the *Conſpiracy*. That he had ſeen *Goodenough* before, who had acquainted him that there was apprehenſion of the *Rights* and *Liberties* of the *People* being invaded, and that it was time for them to look to themſelves, for *Popery* and *Arbitrary Power* were deſigned, and therefore deſired to know whither he would engage in that *Affair* to prevent it; withal he told him the *City* of *London* and *Middleſex* was divided into *Twenty parts*. That he told him his *Acquaintance* did not lye where he liv'd, but he would get a Party where his *Acquaintance* lay. That he acquainted *Rouſe* and *Goodenough* what men he had ſpoke to. That Mr. *Goodenough* told him the *Deſign* was to ſet up the *Duke* of *Monmouth* and *Kill the King* and the *Duke* of *York*, but that all *Parties* muſt not know it, that they were to tell ſome People, there was like to be a *Forraign Invaſion*, and ask them what *readineſs* they were in? and if they were found to be *Compliant* in that, then they might diſcourſe with them about the other matter.

That he diſcourſed with ſeveral men about the *Affairs*.

That *Goodenough* told him that Sir *John Moor* was to be *kill'd*, and the *Aldermen*, and their *Horſes* plundered, and that there would be riches enough which would ſerve to maintain the *Army*. That then he acquainted Mr. *Rouſe* with this buſineſs, but that he knew of it before, and told him he could raiſe *Arms* for a hundred *Men*, but ſaid nothing was to be done unleſs the *King* were ſeized upon, ſaying we might remember ſince 41. that the *King* went and ſet up his *Standard*; therefore ſaid He, we will ſeize them that they may not ſet up their *Standard*, but withal, he ſaid he was for ſeizing them, but not for *ſhedding* of *Blood*. That Mr. *Rouſe* acquainted him it was a very convenient thing to have a *Ball* played upon *Black Heath*, and to that end that ſome *Sea*

Sir *John Moor* and ſeveral *Aldermen* to be kill'd.

Captains

A Ball to be played upon Black-Heath.

Captains ſhould be ſpoken with, and ſaid, He would engage ten who ſhould manage that *Affair*, and he that won the *Ball* ſhould take it. But that when they had ſo done, that every Captain ſhould take his *Party*, and tell them they had other work, and then go with *long-Boats* and *Arms*, and ſeize the *Tower*.

The *Tower* to be ſeized.

That he acquainted *Goodenough* with this, who ask'd him the *Charge* of a *Golden Ball*? which Mr. *Rouſe* had told him, would be ten or a dozen Pound; to which *Goodenough* reply'd, That if it were forty Pound, he would be at the *Charge* of it all. That *Rouſe* had ſpoke ſeveral ſuch *Diſcourſes* to ſeveral *Men*, at the *Kings-head Tavern*, in his *hearing*. That he heard he was *Sworn* againſt at the *Kings-head*, in the *Company* of *Rouſe* and *Goodenough*; and that *Rouſe* told him he ſhould lye at his *Houſe*. That *Rouſe* cut off his Hair, and went to Mr. *Batemans*, and fetch'd him a *Periwigg*. That *Rouſe* and he went ſeveral times to view the *Tower*, and took *Mate Lee* along with them. That ſome time before that, they had appointed to meet at *Waping*, to ſpeak with the *Sea Captains*. That in Order to this buſineſs, the *Priſoner* met the firſt day at the *Amſterdam-Coffe-houſe*, and as he told the *Witneſs* met with two *Sea Captains* that were to Officiate in the *buſineſs*, whom he carryed to the *Angel* and *Crown*. That within an *Hour* and *Half*, *Rouſe* came to the *Witneſs*, and told him he had ſpoken with the *Sea Captains*, who were willing, but that one was going to *New Jerſey*, and therefore the work muſt be done before he went. That another time he appointed *Mate Lee* to meet at the *Anchor* in *Wapping*. That the *Priſoner* alwas undertook to get ten *Sea Captains*, and to provide *Arms* for a *Hundred Men*. That after he was Sworn againſt Mr. *Nelthorp*, and *Goodenough* came to him at *Rouſe*'s *Houſe*, and bid him not be *Diſcouraged*, but let the buſineſs go on, and that when-ever he was taken into Cuſtody, he ſhould deny *All*, and it could not take away his *Life*.

Rouſe Diſguiſes the witneſs.

Being ask'd about what time this was? He Anſwered, In *June* laſt. That they never agreed upon any *Method* for *Killing* the *King*; but they told him they had a *Thouſand Horſe* ready in the *Country*, and *Five Hundred* in the *City*, and that the *King* ſhould be *Kill'd* coming from *Windſor*. That they were contriving to ſend *Arms* by Night to ſome private *place*, where they were to *Arm* themſelves in the Night. That ſome *brisk-men* were to be ſent to *Windſor* to know when the *King* came, and to give *Information*, that he might be ſet upon in ſome *convenient place*, and that both the *King* and the *Duke* were to be taken off together. That Mr. *Rouſe* ſhould ſay, *Take them off, for then no Man can have a Commiſſion to Fight for them.*

The King and the Duke, to be taken off both together, that no body might have a Commiſſion to fight for them.

The *Priſoner* being now at *Liberty* to ask the *Witneſs* what *Queſtions* he thought convenient, demanded of him, whither he ever ſpake to him of any *Deſign* againſt the *King* and the *Government*, and whither the *Witneſs* did not begin with him firſt?

To which the *Witneſs* Anſwer'd, That the *Priſoner* was the firſt Man that ever he heard promiſe that the *King* and the *Duke* might be both ſecur'd. More then that, That the *Priſoner* as a *Traveller*, ſhould ſay both to him and in *Company*, That the *King* was Sworn both in *France* and *Spain*, to bring in *Arbitrary Power*, and

and that it was no *Sin* to take him off. And farther told him, He had it under his own hand.

The *Prisoner* ask'd him in what place it was, where he began to speak any thing of this *Design?* who made Answer, At the *Kings-head.*

The *Prisoner* ask'd who was with them? to which the *Witness* reply'd, *Goodenough* and others.

The *Prisoner* ask'd whether he ever put the *Witness* upon any thing of that *Nature?* and whither he did not tell him there was a *Design* to over-turn the *Government*, but he would not shed Blood?

The *Witness* Answer'd, He could not be positive who discoursed the thing first, but that when the *business* was Discours'd, the *Prisoner* was very *zealous* to get ten *Captains*, and that the *Ball* might be play'd, and the *Tower* seiz'd.

Mate Lee being call'd, Swore, That the *Prisoner* had several times treated with him to get *Seamen* fitting to make *Commanders* of *Ships*; and that being ask'd what he would do with those *Seamen*, and where he would have those *Ships?* He Answered, Some of the *King's Men of War*, that lay at *Deptford* and *Woolwich*, for that the *Tower* and *White-hall* was to be secur'd, or else they could do nothing. *Lee* Sworn.

Mr. *Thomas Corbin* being Sworn, depos'd, That he took great care to settle a *Correspondance* at *Oxford*, during the *Sessions* of *Parliament* there. That being in *Company* with the *Prisoner*, when he was ask'd what he thought of the *Session?* the *Prisoner* undertook the Reply, and said, That he thought it would be a very short *Sessions*; adding farther, That those frequent *Prorogations* and *Dissolutions* of *Parliament* should not avail him, for that what-ever the *King* had, the *Parliament* gave him, and they might take it away. Upon which one biding him have a care, he reply'd, The *King* had forfeited his *Crown*, and had no more right to it then he had.

Mr. *Richarson* being Sworn, depos'd, That when he was first seiz'd, he deny'd his *Name* to be *Rouse*, and said his *Name* was *Johnson.* He denies his Name to the officer.

The *Prisoner* being call'd to his *Defence*, instead of defending and clearing himself by *Opposition* of *Testimony*, endeavour'd to retreat the *Accusation* upon the *Witness*, alledging, That the *Witness* first Discours'd these *Treasons* to him, which he only list'ned to, to *pump* out the bottom of his *Design*, that he might Discover them.

The Court therefore told him, That he did but invert the *Witnesses Discourse*, that he had Sworn it against him, and he was not in a *Capacity* to Swear against the *Witnesses.*

As to his saying, *The King had forfeited his Crown, and had no more right to it, then any of the Persons he spoke to*, he urged that it was a thing reviv'd that was out of Doors two *Years* since, besides that, they were to be explain'd by the occasion of the *Discourse*, which was upon the *Popes Power* to depose *Kings*; upon which he had only said, *That if the* Pope *had any such Power, then the Crown of* England *was as much his as any other Mans.* That he had been try'd for the words before.

He denies he ſaid the Parliament might take away the Kings Crown.

As to his ſaying the *Parliament* might take it away, he deny'd that ever he utter'd any ſuch words.

Being told that was not the *Crime* which was lay'd to his *Charge*, but his *Deſigning* and *Conſpiring* to ſecure the *King*, ſeize the *Tower*, and cauſe a *Rebellion* within the *Kingdom*; allhe had to ſay was, That he declared in the preſence of *God*, before whom he ſtood, That it never enter'd into his *Heart*. So that after the *Lord Chief Juſtice* had in few words ſum'd up the *Evidence*, and the *Deficiency* of the *Priſoners Defence*, the *Jury* brought him in *Guilty*, without ſtirring from the *Bar*.

He is found Guilty.

THE
Charge and Defence
OF
Cpt. William Blague.

Cpt. *Blague* Tryed.

WHO being ſet to the *Bar* next after *Rouſe* upon the ſame *Fryday July* the 13*th*. was *Charg'd* with *Compaſſing* the *Death* of the *King*, and *Conſpiring* with one *Rouſe* and ſeveral others to ſeize the *Tower*, and to provide *Arms* in order to a *Rebellion*.

He makes no Challenges.

The *Priſoner* made no *Challenges*, and ſo the ſame *Jury* that had paſs'd upon *Rouſe*, was again Sworn upon him.

The firſt *Witneſs* call'd was, *Leigh*, who Swore, That the *Priſoner* in Diſcourſe with himſelf and *Goodenough*, at the *Kings-head Tavern* near *Chancery-Lane*, how to ſeize the *Tower*, he told them that the only way was to do it with *Morter-Pieces*, that he would venture his own *Ship*, and provide two *Hundred Men*.

That he caution'd the *Witneſs* not to Diſcourſe with his *Mate* ſuch a one, but that his *Mate Lee* was an *Honeſt Fellow*, and ſaid, That he would undertake once in twenty times to diſmount the *five pieces* that fac'd towards *Southwark-ſide*, to which end, as he told the *Witneſs*, he would bring his own *Ship*, and lay it on *Southwark-ſide*, and make up the 14 *Guns* he had already 24.

That he aſk'd Mr. *Goodenough*, What Money was provided? who Anſwering 4000 *l.* He Anſwered, The *Seamen* would ſwallow that up preſently. To which *Goodenough* Reply'd, There was more provided at any time.

Mate Lee Sworn.

Mate Lee Swore, That as he Rode with the *Captain* in a *Coach*, the *Priſoner* ſhould ſay, *One of theſe Days we ſhall have a* Ball *to toſs*,

toſs, which he afterwards underſtood by *Rouſe* and *Lee*, was the *Ball* that was to be toſs'd upon *Black-Heath*. That the *Priſoner* and he one time walking about the *Tower*, and Diſcourſing of ſeizing it, his way was to ſcale it, but that the *Captain* ſaid, The beſt way was to ſhoot *Mort r-Pieces* upon *Southwark-ſide*; but deny'd he could ſay any thing ab ut the *Ship*.

To this the Captain in his own *Defence* made Anſwer, That all his *buſin ſs* with Mr. *Rouſe* was, to procure him a ſum of *Money*, as being a *Brok r*, and that his attending upon him for that purpoſe brought him ſometimes into *Good nough*'s *Company*, wherein he was frequently at one *Tavern* or other: but that if ever he *Diſc urs'd* with *Goodenou h* about any *Publick Affairs*, or any thing tend ng to the *Publick Diſtu bance*, he was no *Ch iſtian*. That s to the ſeizing of the *l ower*, it was only accidental *Diſcourſe* to the *Water-men* that Row'd him from his *Ship* by the *Tower*, to whom he was ſaying, That the place was not well fortify'd, and that if any Occaſion ſhould happen, that part next the *Water* was in more peril, then any place of the *T wer*; And that upon farther *Diſcourſe*, and a *Suppoſition* that the *Frenc* ſhould take, that then the *Priſ ner* ſaid, it was but going over-againſt the other ſide, and ſlinging half a dozen *Bambo*'s to them, and ſetting them out again. That for his having 200 Men, it was impoſſible, for his *Veſſ l* was but a *Pink* that would not hold a 1 o Men, Women, and Children. And for the *Arms* he bought, he bought them with the *Ship*, for his *Defence* at Sea; four *Blund rbuſſes*, two *Fav lins*, and ſome few *half-Pikes*.

That his Veſſel was but a *Pink* that would not hold a 100 Men.

That as to any bank of *Money*, he never *Diſcours'd* it, and that as to the *Ball*, he knew no more to that very day, then one who had n ver ſeen a *Ball*.

He added farther, That when they fix'd the time that he was to lay his *Ship* againſt the *Tower*, it was not in his *Poſſ ſſion* to bring thither, as not having had her above three weeks, to the very time of his *Tryal*.

Then *M te Lee* was ask'd on the *Priſoner*'s behalf, Whether there were any *Projections* or *Proviſions* made for ſeizing the *Tower*?

The Witneſs denies he knew of any Prov ſion made to ſeize the *Tower*.

To which he Anſwered, There was nothing of Men or Guns that he knew or heard of.

Being ask'd whether he had any Order from any other *Perſons* to *Diſcourſe* Captain *Blague* in Order to this *Attempt*? He Anſwered, No; for that Captain *Blague*, Mr. *Rouſe*, and Mr. *L igh*, were commonly together.

Then the *Jury* deſir'd the *Witneſs* might be ask'd, Whether the Captain knew he went to view the *Tower*?

To which the *Witneſs* Anſwer'd, He could not be poſitive in that. They told him they had viewv'd the *Tower*, but he did not remember vvhat *Obſ rvations* the *Captain* made upon it.

The *Jury* deſir'd to knovv farther, Whether the *Priſoner* heard any thing of toſſing the *Ball*? to vvhich Mr. *Lee* reply'd, That Mr. *Rouſe* told him the *Captain* vvas acquainted vvith it, but that he never *Diſcours'd* vvith the *Priſoner* about it himſelf.

The *Priſoner* then calling his *Witneſſes*, one *Chappel* a *Carpenter*, Declar'd, That the *Veſſel* vvas not able to do any *Service* upon

upon the *Water* three Weeks ago, and that he had been *Ship'd* four Months and a half, to go for *New-York.*

Wright declar'd, That he had waited on the *Captain* ever ſince he had been Ship'd, and was in his pay before he had the Ship in his *Poſſeſſion.*

The Priſoner's Witneſſes declare the time how long they had belong'd to the Captain.

The *Surgeon* declar'd, That he had belong'd to the *Ship* ſeven Weeks, and to the *Captain* before he had a *Ship.*

Being ask'd by the *Fury*, How many *Guns* belong'd to the *Ship?*

He Anſwer'd, Fourteen *Sabers*, of which four were wooden ones; ſix above *Deck*, and four in the *Hold.*

The *Priſoner* having thus made his *Defence*, the *Lord Chief Juſtice* ſum'd up the *Evidence* to the *Fury*, who withdrawing to conſider of their *Verdict*, in a ſhort time return'd, and brought the *Priſoner* in *Not Guilty.*

The next day, being the 14*th.* of *July*, the ſeveral *Priſoners* found Guilty of *High-Treaſon*, were brought to receive *Judgment.*

The Lord *Ruſſel* deſires the Indictment may be read.

And firſt the Lord *Ruſſel* being ſet to the *Bar*, and ask'd why *Sentence* of *Death* ſhould not paſs againſt him according to the *Law*, deſir'd to hear his *Indictment* read in *Engliſh?* the which being granted, the *Clark* of the *Crown* read on till he came to the *Words* of *Conſpiring the Death of the King*; at what time the Lord *Ruſſel* deſiring him to hold, told the *Recorder*, That he thought he had not been Charg'd with *Compaſſing* and *Conſpiring* the *Death* of the *King*; To which the *Attorny General* reply'd, *Yes.* Upon which his *Lordſhip* appeal'd to the *Recorder* and the *Court*, whether if all that the *Witneſſes* had Sworn againſt him were true, whether he were Guilty within the *Statute* of the 25*th.* of *Edward* the 3*d.* they having Sworn a *Conſpiracy* only to *Levy War*, but no *intention* or *Killing* the *King*, and therefore he thought *Judgment* was not to paſs for *Conſpiring* the *Death* of the *King?*

To this the *Attorney General* Anſwer'd, That it was no exception.

But his Objections are held inſufficient.

Then the *Recorder* told him, That it was an exception proper, (and he thought he did make it) before the *Verdict*, whether the *Evidence* do amount to prove the *Charge* which is proper for the *Fury* to obſerve, for if the *Evidence* come ſhort of the *Indictment*, they cannot find the *Verdict.* But when the *Fury* has found it, their *Verdict* paſſes for *Truth*; and the *Court* is bound to go by what the *Fury* have found, not the *Evidence.*

He moves an Arreſt of Judgment.

To which his *Lordſhip* put the *Queſtion*, Whether without any *Proof?* But it was Anſwer'd, The *Fury* muſt be Govern'd by their *Evidence.*

His *Lordſhip* reply'd, It was hard he muſt be Condemn'd upon a Point that there was nothing of it Sworn; therefore he thought that he might legally demand an *Arreſt* of *Judgment?*

To which the *Recorder* Anſwer'd, That he hop'd his *Lordſhip* would conſider it was not the *Court* could give a *Verdict*, but that it muſt be the *Fury.* Thereupon the *Attorney General* demanding *Judgment*, the *Recorder* paſs'd *Sentence* according to the *Law.*

Walcot had nothing to ſay, But that his *Son* and ſome *Friends* might come and ſee him.

Hone

Hone had no more to ſay, but begg'd the ſame favour. *Rouſe* pretended there was a vaſt difference between the *Indictment* which was for *Words* and *Diſcourſes*, that paſs'd the 2d. of *March*, and that the *Oaths* Sworn were, that the words were not ſpoken then, but the laſt of *June*, but had nothing more to ſay.

Thereupon *Judgment* was given againſt all three, as againſt the Lord *Ruſſel*.

Upon the ſame day that the Lord *Ruſſel* was tryed, the Earl of *Eſſex* killed himſelf in the *Tower*. The Earl of *Eſſex* kills himſelf in the *Tower*.

The next day the *Coroner* ſat upon him, and the Verdict of the *Coroners* Jury was, *That* Arthur *Earl of* Eſſex, *did give himſelf a Mortal Wound with a* Razor, *by cutting his Throat from the one* Jugular *to the other, and through the* Windpipe *and* Gullet, *to the very* Vertebras *of his* Neck; *and that he did Feloniouſly and Voluntarily Murther himſelf.*

Upon *Fryday* the 20*th.* of *July*, *Walcot* was drawn to *Tyburn* in one Hurdle, and *Rouſe* and *Hone* in another, and there put into a *Cart*, at what time the Dean of *Rippon*, Dr. *Cartwright*, and the Ordinary of *Newgate*, undertaking to perform the laſt Office of *Miniſters*, to Perſons in their Conditions, admoniſh'd them to make an ingenious *Diſcovery* of what they knew touching the *Conſpiracy* and *Treaſons* for which they were then to ſuffer. *Walcot*, *Hone* and *Rouſe* carryed to *Tyburn*,

Walcot replied he had ſome *Papers* in his *Pocket* of what he had prepared to ſay in Writing, and there deſired they might be pulled out and he would read them.

Then looking upon his *Paper*, he read a long *Harangue*, wherein he firſt gave an accompt of his *Faith* and *Religion*, his hope of *Salvation* by the Merits of *Chriſt*, and his belief of the *Scriptures* to be the Rule of *Faith* and Method of *Worſhipping God*. *Walcot* reads his Speech.

As to the occaſion of his *Death*, he confeſſed himſelf to be ſo unfortunate and as unhappy to be invited by Collonel *Rumſey* to ſome Meetings, where ſome things were diſcourſed of, in order to the aſſerting the *Liberties* and *Properties* of the *Subject*, and that while he lay ill of the *Gout*, Mr. *Weſt* came frequently to viſit him, and that his diſcourſe was ſtill of *Lopping* the *Sparks*. That tho he had deſerved to dye by the Law, and that the *King* might juſtly put him to death, for being in thoſe *Meetings* where a War was Debated, yet he thought thoſe men were Guilty of his *Blood* that were as deep as he, and had betrayed him, and taken his Life away. He deſired his *Friends* to be wary how they heard any Man ſpeak, or ſpoke themſelves, for there was no ſuch thing as *Faith* in *Man* to *Man*. He forgave all the *World*, eſpecially Mr *Shepheard*, who as He ſaid, promiſed to carry him into *Holland*, but inſtead of that, brought him into the Condition wherein he then was. He Confeſſes himſelf guilty of being at ſeveral Meetings. And that he had deſerved Death by the Law.

He averred in the preſence of God, that he knew of no *Engliſh Man* or *Proteſtant* in *Ireland*, that was engaged in the Conſpiracy. He knew no *Proteſtant* in *Ireland* guilty of any Plot.

He ſaid he could not excuſe the Witneſſes for aggravating things againſt him, and making them worſe then really they were. To which when the Doctor was about to Reply, —— *Pray Sir give me leave*, ſaid he, *for a Man to Invite a Man to a*

Meeting, to Importune a Man to a Meeting, to be perpetually Soliciting him, and then to deliver him up to be hang'd, as they had done Him——

He confeſſed he was preſent at many *Meetings*, but that there were ſeveral Meetings, wherein the Buſineſs of the Kings *Life* was never ſpoke of; for he ſaid they were for aſſerting the *Liberties* and *Properties* of the *People*: And being preſs'd to explain that, he ſaid they were under general *Apprehenſions*, and ſo were the *Lords* that were likely to ſuffer, of *Popery* and *Slaveries* coming in.

Upon the whole being told by the Dr. that he had confeſs'd himſelf Guilty enough to take away his *Life*? He reply'd, That he was ſo. And being farther told, that to ſay, he could not forgive the *Witneſſes*, he at length ſaid he did forgive them, and pray'd God to forgive them.

A Paper printed in his Name after his Execution, reflecting upon the Evidence.

Neverthleſs, ſoon after his *Execution* there was a *Paper Printed*, which was ſaid to be *Written* by Captain *Walcot* in *Newgate*, and delivered to his *Son* before his *Execution*, little differing from his *Speech* at the *Gallows*, wherein he ſeem'd to complain of the *Evidence*, and endeavour'd to deny his undertaking to charge the *Guards*, while others did the buſineſs. But in *Anſwer* to this, Mr. *Weſt* publiſhed another *Paper*, maintaining and aſſerting the *Truth* of his *Teſtimony*, particularly as to his *intention* to charge the *Guards*; declaring, He had omitted an *Expreſſion* of the *Captains* upon that *Subject*, which he let ſlip in the *multitude* of *particulars* he delivered at the *Tryal*. That he ſhould ſay, He look'd upon the *Action* to be ſo lawful and juſtifiable, that he could *Dye* in it with a ſafe *Conſcience*. And that whereas he tax'd the *Witneſſes* for Swearing him out of his *Life* to ſave their own, it appear'd by his *Letter* to the *Secretary*, that he would gladly have ſav'd his own ſo; and deſired to have made the Duke of *Monmouth*, and other *Perſons* of *Qualities Blood*, to uſe his own *Phraſe*, the price of his own *Life*. Obſerving very well at laſt, that he did not think fit to expreſs in his *Paper* any *Senſe* of his *Guilt* or *Repentance* for it, but rather ſeem'd to retain his *Old Opinion* of its being a *Lawful* thing. That he only blam'd his own *Credulity*, and adviſ'd his *Friends* only againſt truſting *Men*, not againſt his *Crime*.

Anſwer'd by Mr. *Weſt*, to publick ſatisfaction.

Hone acknowledges himſelf guilty.

As for *Hone*, he acknowledged himſelf *Guilty* of the *Crime* according to the *Law* of the *Land*, and the *Law* of *God*.

Rouſe acknowledges himſelf guilty.

Rouſe made a long *Speech*, not much to the purpoſe, as being only a *Repetition* of what was done in *Court*. However, at length he acknowledged himſelf *Guilty* of concealing and maintaining *Trayterous Correſpondency*: and that it was juſt in *God* in the firſt place, and righteous and juſt with the *King* in the ſecond place that he *Dyed*.

The Lord *Ruſſel* carryed to a Scaffold erected in *Lincolns-Inn-Fields*.

The next day being *Saturday*, the Lord *Ruſſel* having taken leave of his *Lady*, the Lord *Cavendiſh*, and ſeveral others of his *Friends* at *Newgate*, took *Coach* with Dr. *Till ſon*, and Dr. *Burnet*, who accompanyed him to the *Scaffold* Built in *Lincolns-Inn-Fields*; whether being come, after a ſhort pauſe, he told the *Sheriff*, *That he expected the noiſe would be ſuch that he ſhould not be heard, and therefore he had ſet down in Writing what he thought fit to*

leave

leave behind him, protesting his Innocency of any Designs against the King's Person, or of altering the Government.

He then told the Sheriff, that he had been Informed, That Captain *Walcot* had spoken some things concerning his Knowledge of the Plot, and therefore desired to know whether the *Report* were true?

To which the *Sheriff* Answered, That he did not hear him so much as Name his Lordship.

His Lordship reply'd, He hop'd he did not, for that to his Knowledge, he had never seen or spoken with him in his *Life*; and then in the words of a Dying Man, he professed, He knew nothing of a Plot, either against the *King*'s *Life* or *Government*: But that he had done with the *World* as going to a better, that he had forgave all the *World* heartily, and thanked *God* he *Dyed* in *Charity* with all Men. He wished all the *Protestants* might love one another, and not make way for *Popery* by their *Animosities*.

His behaviour before he lay down.

Then kneeling his *Lordship* prayed to himself, after which, Dr. *Tillotson* kneeled down and prayed with him, and then he prayed a second time by himself; which being done, after he had made himself ready, and ordered the *Executioner*, after he had layn down a small moment, to do his *Office*, without a Sign, he layed himself down upon the *Block*. And then it was, that the *Executioner* missing his first stroke, though with the first stroke he took away *Life* at two more he severed his *Head* from his *Body*, which was ordered by the *Sheriff* to be delivered to his *Lordships Friends* and *Servants*, as being given them by His *Majesties* favour and bounty. The substance of the *Paper* Delivered to the *Sheriff*, was this:

In the first place he bless'd God for the many Blessings which he had bestowed upon him through the whole Course of his Life; That he was Born of worthy good Parents, and had had the advantage of a Religious Education, *which for many Years had so Influenced and possessed him, that he felt the effects of it in his present Extremity.*

He dyed a Protestant of the reformed Religion.

That as he had liv'd, so he dy'd a true and sincere Protestant, *and in the* Communion *of the* Church of England, *though he could never yet comply with, or rise up to all the heigths of some People.*

That he had always lov'd his Country much more than his Life, and never had any Design of changing the Government, *which he valu'd and look't upon as one of the best* Governments *in the World, and would have suffered any Extremity, rather then have consented to any Design to take away the Kings Life; Neither had any Man the* Impudence *to propose a thing so base and barbarous to him. And that he look'd upon it as a very unhappy and uneasie part of his present Condition, that there should be so much as mention of so vile a Crime.*

He prays for the King.

That for the King he wished him well, and sincerely prayed for Him. That the Protestant Religion, *the* Peace *and* Safety *of the* Kingdom *might flourish under his* Government, *and that he in his Person might be happy both here and hereafter.*

His Opinion of the Popish-Plot.

That as for the share which he had in the prosecution of the Popish Plot, *he proceeded in it in the sincerity of his Heart, as being fully convinced, that there was a* Conspiracy *against the* King, *the* Nation, *and the* Protestant Religion.

That

That as for his preſent Condition, he had no Repineing in his Heart at it.

That he freely forgave the World, and thoſe that were concern'd in taking away his Life, conjuring his Friends never to think of Revenge. He denyed himſelf privy to any Deſign to ſeize the Guards, *but confeſſed he had heard ſome general Diſcourſe of that Nature at the Lord* Shaftsburies, *but that he flew out into Exclamations againſt it.*

But when he came to ſpeak of the *Sentence of Death* that was paſs'd upon him, he reflected upon the *Witneſſes*, as if they had done him wrong, and ſpoke more undecently of the *Judges*, the *Kings Council*, and the *Jury*, then became a *Perſon* under his *Circumſtances*, which did not a little offend the *Soveraign Authority*, and juſtly blemiſh his laſt *Exit*.

THE Charge and Defence OF Algernoon Sidney, *ESQUIRE.*

Col. *Sidney* brought to the Bar.

UPON the 7*th*. of *November*, 1683. *Algernoon Sidney*, Eſq; was by Writ of *Habeas Corpus*, brought up from the *Tower* to the *Bar* of the *Kings-Bench Court*, where after he had held up his Hand, he was Charged with an *Indictment* of *High-Treaſon*.

Conſpiring the Death of the King.

The general Heads of his Charge were, *For Contriving with others to diſturb the Peace of the Kingdom, Conſpiring and Compaſſing the Depoſing and Death of the King, and the Subverſion of his Government*.

Sends *Aaron Smith* into Scotland.

For the fulfilling and perfecting which wicked *Treaſons*, he had met ſeveral of the *Conſpirators* at ſundry *Conſultations* for carrying on their *Trayterous Deſigns*. That he had ſent *Aaron Smith* into *Scotland*, to invite divers of the *King*'s *Subjects* in that *Kingdom* into the *Conſpiracy*, and to come to *London*, to *Conſult* of aid and aſſiſtance to be given by them. That he had compos'd and written, or caus'd to be made and written, a certain *Trayterous* and *Seditious Libel*, wherein were theſe Words. *The Power Originally in the People of* England *is delegated to the* Parliament: *He* (*meaning his preſent Maj ſty*) *is ſubject as a Man to the People that*

makes

makes him King; in as much as he is a King, the Law ſets a meaſure to that Subjection, and the Parliament judges of the particular Caſes thence ariſing. He muſt be content to ſubmit his Intereſt to theirs, ſince he is no more then any one of them, in any other reſpect than that he is by the conſent of All, rais'd above any other. If he does not like this Condition, he may renounce his Crown; but if he receive it upon that Condition, as all Magiſtrates do the Power they receive, and ſwear to perform it; he muſt expect that the performance will be exacted, or revenge taken by thoſe he has betrayed. And in another place theſe words. *We may therefore change or take away Kings without breaking any Yoke, or that is made a Yoke which ought not to be one; the Injury therefore is in making and impoſing, and can be none in breaking.*

The Charge being read, and Colonel *Sidney* urg'd to plead *Guilty* or *Not Guilty*, he objected firſt againſt the Validity of the *Indictment*, which, he ſaid, was a heap of *Crimes* put together, diſtinct in *Nature* one from another, and diſtinguiſhed by *Law*; and therefore the *Indictment* being erroneous, was not to be Anſwered to. He added farther, That there were in the *Indictment* ſome *Treaſons* or reputed *Treaſons*, that might come within the *Statute* of the 13*th* of this *King*, the *Proſecution* of which muſt be within ſix Months, and the *Indictment* within three. So that if the buſineſs mentioned were ſix Months before his *Commitment*, or above three before the *Indictment*, he was not to Anſwer to thoſe things. That in the Caſe of Sir *H. Vane*, the *Court* then ſaid it, and offer'd him, that he might put in his *Exceptions*, and plead *Not Guilty* afterwards. That if he pleaded to an erroneous *Indictment* and were acquitted, he might be *Indicted* again. Bills of *Attainder* having been upon Errors in *Original Indictments*, as that of the Duke of *Somerſet*. That as there were ſeveral things diſtinct in *Nature*, diſtinguiſhed by *Law* put together in the *Indictment*, it was an impoſſible thing to make a poſſitive Anſwer to any one. That if he were Charged with any particular *Fact*, he could ſay, *He either did it or not*. But that in the *Indictment* he found nothing ſpecifi'd, nor could he tell upon what *Statute* he was *Indicted*; and then he pray'd to ſee the *Record*.

Sir *H. Vanes* Caſe inſtanc'd.

To all this the *Court* made Anſwer, That they could not let him ſee the *Record*, but if he would hear it read again, he might. That there was no way, but either to plead or demur, if he thought the *Indictment* void, which if he did, he ſhould be allow'd to make what *Exceptions* he pleas'd. That as to what he alledged in reference to the 13*th*. of this *King*, whether he were without the time limited, they were not bound to examine that before he had pleaded. Till when, let the *Indictment* be never ſo vitious, there were no exceptions to be admitted.

Then the *Priſoner* offer'd a *Parchment* to the *Court*, which he ſaid was a *Plea*. But the *Court* adviſed him to conſider himſelf and his *Life*; for that if he put in a *Plea*, and the *Attorney General* demurr'd, if his *Plea* were not found good; his *Life* was gone.

He offers a Plea in Parchment to the Court.

Upon that, the Colonel deſired a days time to conſider of it. To which the *Court* replyed, That they could not introduce new methods for any Body.

Mr. *Williams* reprov'd.

Here the *Attorney General* inform'd the *Court*, That Mr. *Williams* exceeded his *Commiſſion*, and told the *Priſoner* ſeveral things; for which he was reprov'd by the *Lord Chief Juſtice*.

The Priſoner pleads not Guilty.

Thus, when the *Priſoner* ſaw he could gain nothing by conteſting with the *Court*, he at length pleaded *Not Guilty*. Which when he had done, he deſired a fortnights time to prepare himſelf for his *Tryal*, which was allowed him. Next he deſired a *Copy* of the *Indictment*, which the *Court* told him they could not grant by *Law*. Then he pray'd that *Counſel* might be aſſign'd him; but that was likewiſe denyed him, unleſs he could produce any Point of *Law*, which the *Court* ſhould think fit to be worth debating. This drew from the *Priſoner* an *Expoſtulation*, whether the *Court* would oblige him that was ignorant in the *Law* to raiſe Points in *Law* upon only hearing a long *Indictment* for things he knew nothing of? To which the *Lord Chief Juſtice* reply'd, That it was not the *Judges*, but the *Law* that oblig'd him. Therefore he was not to go away, and ſay that they ſat there to impoſe upon him; for that they only ſat to Adminiſter the *Juſtice* of the *Nation*. However, the *Court* offer'd him that he might hear the *Indictment* read again, if he deſired it, which at his requeſt was done, and then he was remanded back to the *Tower*.

The Colonel brought to his Tryal.

Upon the 21*ſt*. of *November*, Colonel *Sidney* was brought to his *Tryal* at the *Kings-Bench-Bar*, where he firſt urg'd, That whereas he had before deſired a *Copy* of his *Indictment*, and thought the *Law* allow'd it him, he was ſtill of the ſame mind, and believ'd he could give a better *Teſtimony*, that it was ſo upon the *Statute* of the 46 of *Edward* the 3*d*. wherein it was expreſs'd, That all *People* ſhould have a *Copy* of the *Record*, enumerating ſeveral *Matters*, as well that againſt the *King*, as other *People*, which general *Law* was ſtill in force. He farther inſtanced, That the Earl of *Strafford* had a *Copy*, the Lord *Stafford*, and the *Lords* in the *Tower* had *Copies* of their *Indictments*; and therefore he thought it was never more neceſſary than for him, whoſe *Charge* was ſo long and ſo confus'd: and then offer'd a *Copy* of the *Statute* to the *Court*.

He urges the Earl of *Straffords* Caſe.

To this the *Lord Chief Juſtice* reply'd, That he remembred the *Law* very well: however, as the *Court* had deny'd him a *Copy* then, ſo they did ſtill; notwithſtanding, they would deny him nothing that was *Law*. For whereas he had alledg'd before the Caſe of Sr. *H. Vane*, he gave the *Priſoner* to underſtand, that it was then the *Opinion* of all the *Judges*, that no *Copy* ſhould be given either of the whole or any part of the *Indictment*. Which Caſe he had order'd to be read in *Court* when his *Counſel* laſt mov'd for a *Copy*, and thought he had thereby given them full ſatisfaction; beſides that, by the *Opinion* of all the *Judges* of *England*, the Lord *Ruſſel* was in like manner deny'd a *Copy* of his *Indictment*. Nevertheleſs he had heard his *Indictment* read in *Latin*, which was deny'd to Sir *H. Vane*, and that therefore the *Court* had ſhewn him more favour, then perhaps in ſtrictneſs they ought to have done. Thereupon he order'd the *Clark* to proceed upon the *Arraignment*, as not becoming the *Court* to ſpend time in *Diſcourſes* to Captivate the *People*. So that after ſeveral *Challenges*, the following perſons were Sworn upon the *Jury*.

The extraordinary favour of the Court towa.d him.

John

John Anger	*Joſiah Clark*
Richard White	*George Gliſby*
William Lynn	*Nicholas Baxter*
Lawrence Wood	*William Reeves*
Adam Andrews	*William Grove,*
Emerie Arguiſe.	and *John Burt.*

Here the *Lord Chief Juſtice* gave a caution to the *Jury*, not to admit any perſons to whiſper to them, with a *Charge* to inform the *Court* if any did ſo.

After this the particulars of the *Matter* in *Evidence* being firſt ſhortly opened by Mr. *Dolben*, and enlarg'd upon by the *Attorney General*, the *Witneſſes* were call'd, and firſt of all Mr. *Weſt*. Upon whoſe appearance, before he was Sworn, the *Priſoner* urg'd, That Mr. *Weſt* had confeſſed many *Treaſons*, and therefore deſired to know whether he were pardon'd or no? alledging that otherwiſe he could not be a good *Witneſs*; But the *Lord Chief Juſtice* declaring, That he knew no legal *Objection* againſt him, and that he had been a good *Witneſs* in the Lord *Ruſſel*'s *Tryal*, he was Sworn, and gave in *Evidence*.

Col. *Sidney* excepts againſt Mr. *Weſt*.

The objection againſt him not allow'd.

That Captain *Walcot* came to him in *October* laſt, and told him, That the Lord *Shaftsbury* had deſign'd an *Inſurrection* in *November*, againſt which he uſed ſome *Arguments* to diſwade him. That ſoon after he came to him again and told him, the thing was wholy diſappointed, upon which the Earl of *Shaftsbury* went into *Holland*. That about *Chriſtmas*, Colonel *Rumſey* told him, There were ſome *Lords* and *Gentlemen* intended to make an *Inſurrection*. That the perſons were the Duke of *Monmouth*, the Lord of *Eſſex*, the Lords *Howard* and *Ruſſel*, the *Priſoner* at the *Bar*, and Mr. *Hampden* Junior. That ſometime after the ſaid Colonel told him, that the ſaid perſons had altered their meaſures, and were reſolved not to venture upon an *Inſurrection* in *England*, till they had a Concurrency in *Scotland*.

That Mr. *Nelthorp* told him, That the *Priſoner* at the *Bar* had ſent *Aaron Smith* into *Scotland*, and had given him a ſum of Money to bear his Charges, and ſent *Letters* to ſome *Scotch Gentlemen*, to invite them to *Town*. That the *Letter* bore a *Cant* of ſetling buſineſs in *Carolina*, that really it was about coming up in order to the *Inſurrection*. That afterwards Mr. *Smith* returned, and ſome *Scotch Gentlemen*. And that Mr. *Ferguſon* gave an *Accompt* of that *Affair*; How that the *Scots* propos'd, That if they might have 30000 *l.* in ready *Money*, they would undertake to make an *Inſurrection* in *Scotland*, without the *Concurrence* of *England*; which *Propoſal* he ſaid was agreed to, that the Money would be ſoon ready, and that Mr. *Shepheard* would return the Money. That the *Armes* were ready bought, and that the Earl of *Argile* would go into *Scotland* and head the *Scots*. That when things were thus ſettled, ſome difference aroſe about raiſing Money; but that at laſt the Lord *Grey* offer'd to raiſe 10000 *l.* out of his own *Eſtate*, if the reſt would pay their proportion. That then the *Scots* came down to leſs, but were not comply'd with. That the places for Riſing were *Briſtol*, *Taunton*, *York*, *Cheſter*,

Aaron Smith ſent into *Scotland*.

The Earl of *Argile* to head the *Scots*.

Cheſter, *Exeter*, *London*. That there had been ſome debates whether they ſhould begin at *London*, or other places, and that at laſt it was reſolv'd they ſhould begin at *London*, with the reſt of the places. That this was the *Accompt* of the *Matter* in *General* which he had from Mr. *Ferguſon*; who farther added, That the *Priſoner* at the *Bar*, and *Major Wildman*, were very Inſtrumental in working of the agreement with the *Scots*, becauſe they could not agree upon the *Declaration* to be made upon the *Inſurrection*. For that the *Engliſh* were for a *Common-wealth*, but that the *Scotch Gentlemen* anſwered it might come fairly to it in time, but that the *Nobility* there would not agree to it at preſent. That as to the *Priſoner* himſelf, he knew nothing of him in particular, nor did ever ſpeak with him till ſince the *Diſcovery*.

Mr. Wildman, and the Priſoner at the Bar, inſtrumental in working of the agreement with the *Scots*.

Col. *Rumſy* gives his teſtimony.

The next *Witneſs* was Colonel *Rumſey*, who declared, That about the latter end of *October*, or beginning of *November*, he was deſired by the Earl of *Shaftsbury* to go to Mr. *Shepheards*, to know of the *Gentlemen* that were met there, what was done about the Riſing intended at *Taunton*? Who Anſwered, That Mr. *Trenchard* had fail'd them, and that it muſt ceaſe for that time.

That after that, he met ſeveral times in *March*, *April*, and *May*, at Mr. *Weſts* Chamber, and other places with Captain *Walcot*, Mr. *Weſt*, the two *Goodenoughs*, Mr. *Bourn*, and Mr. *Wade*, where they had divided the *City* into twenty parts, of ſeven parts of which Mr. *Goodenough* brought an *Accompt*, but ſaid nothing of the other thirteen, becauſe he had not ſpoken with thoſe who were to tell him how many Men they would afford for the *Inſurrection*.

Who were at Mr. *Shepheards*.

Being ask'd who he met at Mr. *Shepheards*? He Anſwered, There was the Duke of *Monmouth*, the Lords *Grey* and *Ruſſel*, Sir *Thomas Armſtrong*, Mr. *Ferguſon*, and Mr. *Shepheard*.

Who were the Council of ſix.

Being ask'd who was to manage the Riſing? He Anſwered, That Mr. *Weſt*, and Colonel *Rumſey* told him, That there was a *Council*, which where the Duke of *Monmouth*, the Earl of *Eſſex*, the Lord *Howard*, Colonel *Sidney*, Mr. *Hambden*, and the Lord *Ruſſel*.

Here Colonel *Sidney* preſs'd the *Court* to conſider whether it were an uſual thing to examin Men upon *Indictments* of *Treaſon* concerning him, that he never ſaw or heard of in his *Life*? To which when the *Lord Chief Juſtice* reply'd, That all that *Evidence* did not effect him, and that he likewiſe told the *Jury* ſo, the *Priſoner* Anſwer'd, That however it prepoſſeſſed the *Jury*.

Mr. *Keeling* Sworn gives a general teſtimony.

Mr. *Keeling* being then call'd and Sworn, was demanded in general, what he knew of the Riſing to have been laſt *Spring*? who declared, That ſome time the laſt *Summer*, Mr. *Goodenough* came to him, and brought him three *Papers* number'd on the back ſide. Of which when the *Witneſs* ask'd the meaning, the other told him that one was for himſelf, and that he was to deliver t'other two to whom he could truſt in the two *Diviſions*. That the *Witneſs* ask'd Mr. *Goodenough* what the *Deſign* was? who ſaid, To raiſe Men. That thereupon the *Witneſs* ask'd him, whether he Deſign'd a *General Inſurrection*? To which

which the other reply'd, That if he did not, if the King was taken off, this would do well, for then the *People* would know how to have recourſe to a formidable Body: Laſtly, That he had heard the ſaid *Goodenough* ſay, *That Colonel* Sidney, *whom he knew not, had a conſiderable part in the management of that Affair.*

Col. *Sidney* had a conſiderable part in the Plot.

The Lord *Howard* being next Sworn, and deſired to acquaint the *Judge* and *Jury*, what tranſactions there had been with the *Priſoner* about the *Affair* of a general *Riſing?* declar'd, That about the middle of *January* laſt, it was conſidered by ſome of thoſe that met together, That it was very neceſſary to an *Enterprize* that had then been long in hand, and at that time fallen flat, that it ſhould be reviv'd by ſome ſelect *Cabal*, that ſhould be ſet up to give it *Life*, and govern its motions. That the firſt movers of this, for ought he knew, were the Duke of *Monmouth*, Colonel *Sidney*, and himſelf. Where it was farther agreed, That they ſhould think of ſome few, not to exceed five, or at the moſt ſeven. Which agreement being at firſt between them three, the Duke of *Monmouth* undertook to engage the Lord *Ruſſel* and the Earl of *Salisbury*, and the *Priſoner* at the *Bar* undertook to engage the Earl of *Eſſex*, and Mr. *Hambden*: who being preſently put together, conſtituted a little *Cabal* of as many as were intended. That between the middle and latter end of *January*, as he the *Witneſs* was told, the ſaid *Perſons* agreed to enter into a *Conjunction* of *Counſels*, and met accordingly at Mr. *Hambden*'s Houſe, whither he was alſo invited. That when he came to Mr. *Hambdens* Houſe, which ranges in the ſame *Row* with *Southampton* Houſe, he found there the Duke of *Monmouth*, the Earl of *Eſſex*, the Lord *Ruſſel*, Colonel *Sidney*, and Mr. *Hambden*. That Mr. *Hambden* took upon him to open the *Seſſions*, and in his *Diſcourſe* recapitulated ſome Deſign that had been chiefly carryed on before by the E. of *Shaftsbury*, before that time Dead. He alſo took notice of the ready diſpoſition of the minds of Men to go on with it, and gave one inſtance of his Judgment of it; That being a Deſign Communicated to ſo many, there had not ſo much as a whiſper gone about it. From whence he took an Occaſion to tell the reſt, That it was abſolutely neceſſary, that there ſhould be ſome *Council* which ſhould be as a *Spring*, a little to govern the motions of the reſt: there being divers things, which if not taken care of by particular perſons, the whole would miſcarry. That from thence the ſaid Mr. *Hambden* made a *Tranſition* to ſome particular things which were principally to be taken care of. The time when, the places where, and the perſons by whom theſe things were to be carryed on, which lead into a particular conſideration of ſome of thoſe Heads. For the time, that it ſhould be ſhortly, leaſt the minds of Men ſhould chil; and then as to the place where, whether in the *City* or *Country*, or both joyntly; In which ſome *Opinions* were given, but not ſettled to any *Reſolution*, being committed to all their thoughts to Conſult of afterwards. They were alſo to conſider what *Magazines* were to be got, and with what they ſhould be gotten, and that was *Money*; Upon which there was a conſiderable ſum propounded to be rais'd: to which purpoſe the Duke of *Monmouth*, to the beſt of the *Witneſſes* remem-

A Cabal to be ſet up by the Conſpirators.

The Priſoner undertakes to engage the Earl of *Eſſex* and Mr. *Hambden*.

The firſt meeting of the Cabal at Mr. *Hambden*'s Houſe.

Mr. *Hambden* opens the Seſſions.

brance, propounded the raiſing of twenty five, or thirty thouſand *Pounds*: after which it was conſidered how this *Money* ſhould be rais'd without drawing *Obſervation* and *Jealouſie*. That theſe were the heads then agreed upon to be afterwards conſidered. But the *Reſolutions* taken at preſent were, How to make a *Coalition* of *Counſels* with *Scotland*; for which purpoſe ſome fit *Perſons* was to made choice of to be ſent thither. That theſe were the debates of the firſt *Meeting*. That about a fortnight or three weeks after, all the ſame *Perſons* met again, at *Southampton-Houſe*, at the Lord *Ruſſels*, where it was warmly urg'd by Mr. *Hambden*, though at that time thought unſeaſonably. That ſince they were now united into ſuch an undertaking, it could not be expected but that it would be a *Queſtion* put to many of them, To what end all this was, where they intended to terminate, and into what they intended to reſolve? That they were *Queſtions* which he, meaning Mr. *Hambden*, met with, and every one would meet with from thoſe *Perſons*, whoſe aſiſtance was to be expected; and that if there were any thing of perſonal intereſt deſign'd, there were but very few of thoſe whoſe *Hearts* were with them, but would fall off; and that therefore they were to reſolve themſelves into ſuch *Principles*, as ſhould put the *Liberties* and *Properties* of the *People* into ſuch hands, as ſhould not be eaſily invaded by ſuch as were intruſted with the *Supream Authority* of the Land: and that at length it was mentioned to reſolve all into the power of a *Parliament*. That this being propounded by Mr. *Hambden*, ſounded a little harſhly to ſome of the reſt: However, it was conſented to, that it was nothing but a publick Good which all intended. That after this the *Council* debated about ſending into *Scotland*, and ſettling a *Correſpondency* with the Earl of *Argile*. That other Gentlemen were nam'd, as the Lord *Melvin*, Sir *John Cockram*, and the *Cambells*. Which being propounded, it was offer'd by Colonel *Sidney*, that he would take care of the *Perſon*, and that he had one in his thughts, whom he thought to be a fit *Perſon*.

A Coalition with *Scotland* debated.

Some things unſeaſonably urged by Mr. *Hambden*.

All to be reſolved into the Power of the Parliament, which ſounded harſh to ſome of the reſt.

Col. *Sidney* undertakes to ſend into *Scotland*.

Being ask'd by the *Attorny General* what *Aaron Smith* was to do? the *Witneſs* made Anſwer, That there was no particular deed for him more then to carry a *Letter*. That the Duke of *Monmouth* undertook to bring the Lord *Melvin* hither, becauſe he had a particular dependency upon him; but that to Sir *John Cockram*, a *Letter* was to be ſent under the Diſguiſe of carrying on ſome buſineſs of *Carolina*; which *Letter* as he thought was wrote by the Lord *Ruſſel*, as being perſonally known to him, and none of the reſt of the *Cabal*.

The Duke of *Monmouth* undertakes to bring up the Lord *Melvin*.

Being ask'd to what purpoſe thoſe *Gentlemen* were to come up? he Anſwered, To acquaint them how they found *Scotland* tempered, and what *Opportunities* there were of putting them into a Commotion, how Men might be rais'd, how they would fall under *Argile*, and alſo to keep time and place with *England*. That after this he was with Colonel *Sidney* when he was going into *London*, at what time he took out about ſixty *Guineys*, as he thought, and put them in his *Pocket*, which he ſaid were to give *Aaron Smith*; but whether he gave them or not he could not tell. However, after that he was ſent in purſuance of their debate,

Col. *Sidney* puts a parcel of Guineys in his pocket for *Aaron Smith*.

debate, as Colonel *Sidney* told him, upon Inquiry, and withal that he had not heard of him but once in three Weeks, vvhen he vvas at *New-Caſtle*." That after this, his Occaſions call'd him into the *Country*, and aftervvards he vvent to the *Bath*.

Aaron Smith ſent in purſuance of the Debates.

The Lord *Howard* having thus concluded, the *Court* demanded of Colonel *Sidney*, vvhether he had any *Queſtions* to ask the *Witneſs*? vvho reply'd that he had no *Queſtions* to ask him. Upon vvhich the *Attorney General* reply'd *Silence*——————You knovv the *Proverb*,

After vvhich Sir *Andrew Foſter*, and Mr. *Atterbury*, vvere called to prove that the *Scotch Gentlemen* came up preſently after *Aaron Smith* vvas ſent; and firſt Sir *Andrew* declared, That about the end of the *Spring*, or beginning of *Summer*, Sir *John Cockram*, *Commiſſionary Monro*, and the tvvo *Cambells*, Father and Son came up hither. That he did not ſee the Senior *Cambell*, but the Younger he ſaw upon the Day of the Lord *Ruſſels Tryal*; but that he ſaw the other two, as he thought, a little before the *Diſcovery*.

The *Scotch* Gentlemen prov'd to be in *London*.

Being ask'd what they pretended to come about? He made Anſwer, That Sir *John Cockram*, and *Manro*, pretended they came about making a purchaſe in *Carolina*, and ſhew'd him a Commiſſion to that purpoſe from the *Perſons* ſaid to be concerned in the *Deſign*.

The pretence of their coming.

Being ask'd what became of thoſe Gentlemen upon the rumour of the *Plot*? He Anſwer'd, That Sir *John Cockram* abſconded, but *Manro* did not; and as for the *Cambells*, he heard they were ſeiz'd, changing their *Lodgings*.

Then Mr. *Atterbury* being Sworn, inform'd the *Court*, That about the end of *June*, or beginning of *July*, he was ſent for into *London*, upon a Diſcovery of ſome *Scotch Gentlemen* that lay about *Black-Fryers*: but that when he came there, the *Common Serjeant* had been before him, and found Sir *Hugh Cambel*, and Sir *John Cockram*, making an eſcape into a *Boat*, together with a third *Perſon*, who was committed to the *Gate-Houſe* by the Council as ſoon as brought thither.

Mr. *Atterbury* Sworn as to the apprehending of the *Scotch* Gentlemen.

This done, the *Attorney General* went about to prove, that while the *Engliſh Emiſſary* was in *Scotland*, the Colonel at the ſame time (which would be another *Overt Act* of *Treaſon*) was Writing a *Treaſonable Pamphlet*; to which purpoſe Sir *Phillip Lloyd* being firſt Sworn, declared, That having a *Warrant* from the *Secretary* by the *King* and *Council*, to ſeize Mr. *Algernoon Sidney*'s *Papers*, he went to his Houſe, where he found a great many upon a *Table*, which he firſt put up in a *Pillowbear*, and then in a *Trunk*, to which he deſired the Colonel to put his *Seal*; but he refuſing, he took his own *Seal*, ſeal'd up the *Trunk*, and had it carryed before him to Mr. *Secretary Jenkin's Office*. That when the *Committee* ſate, he was Commanded to undo the *Trunk*, and did ſo, and found his own *Seal* upon it, and then took out the *Papers* out of the bag as he put them in before.

Sir *Phillip Lloyd* Sworn as to the Papers found in Colonel *Sidneys* Houſe.

Being ask'd whether Colonel *Sidney* were preſent when he ſeiz'd the *Papers*? He Anſwered, *Yes*. And being farther ask'd whether thoſe *Papers* ſhewn in *Court* were ſome of thoſe *Papers*? He made Anſwer, That he verily believ'd it.

Col. *Sidney* preſent when his papers were ſeiz'd.

Being

Being ask'd when they were ſeiz'd?

He replyed, Toward the latter end of *June* laſt.

Then three *Witneſſes* were called to prove the Hand to be his.

Mr. *Shepheard* call'd to prove the Colonels hand.

Mr. *Shepheard* Swore, That he was acquainted with his hand, and that he believ'd the Writing ſhewn him was his hand; for that he had ſeen him Write the *Indorſement* upon ſeveral *Bills* of *Exchange*.

Mr. *Cary* to the ſame purpoſe.

Mr. *Cary* Swore, That he had ſeen his *Indorſement* upon *Bills*, and that it was very like what came to him for his hand Writing, and that he believ'd it to be his hand.

Mr. *Cook* to the ſame intent.

Mr. *Cook* Swore, That he had ſeen ſeveral *Notes* that came to him with *Indorſment* of Colonel *Sidney*'s *Name*, and had pay'd them, and that it was like the hand ſhewed him; nor was he ever call'd to an *Accompt* for miſpayment.

The *Attorney General* inſiſting to have as much read as was neceſſary to prove the *Indictment*, the *Priſoner* deſired it might be all read. But the *Court* made Anſwer, that Mr. *Attorney* muſt have what part he deſired, and that he ſhould have what part he would read afterwards.

Then the *Paper* was read in theſe Words:

The Paper read.

There was no abſurdity in this, though it was their own Caſe but to the contrary, becauſe it was their own Caſe: That is concerning themſelves only, and they had no Superiour. They only were the competent Judges; they decided the Controverſies, as every Man in his own Family doth, ſuch as ariſe between him and his Children, and his Servants. This Power has no other reſtriction, then what is put upon it by the Municipal Law of the Country, and has no other force, then as a Man is underſtood to have conſented to it. Thus in England *every Man in his degree, has a right of a Chaſtizing them, and in many places, even by the Law of God, the Maſter has a Power of Life and Death over his Servant. It were a moſt abſur'd folly to ſay, That a Man might not put away, or in ſome places, Kill an Adulterous Wife, a Diſobedient Son, or an unlawful Servant, becauſe he is Party and Judge. For the Caſe admits of no other, unleſs he had abridg'd his own Right by entring into a Society where other Rules are agreed upon, and a Superiour Judge conſtituted; there being none ſuch between King and People. That People muſt needs be the Judge of things happening between them and him they did conſtitute: Not that he might be Great, Glorious, and Rich, but that he might Judge them, and Fight their Battles, or otherwiſe do good unto them as they ſhould direct. In this Senſe he is* Singulis Major, *and ought to be oblig'd by every Man in his juſt and lawful Commands tending to the publick good; and muſt be ſuffer'd to do nothing againſt it, not in any reſpect more than the Law does allow.*

For this Reaſon Bracton *ſays that the King has three Superiours,* Deum, Legem, & Parliamentum: *that is, The Power Originally in the People of* England *is delegated to the Parliament. He is ſubject to the Law of God as a Man, to the People that makes him King, in as much as he is a King. The Law ſets a meaſure to that ſubjection, and the Parliament Judges of the particular Caſes thereupon ariſing. He muſt be content to ſubmit his Intereſt to theirs, ſince he is no more then any of them in any other reſpect then that he is by the common Conſent of all rais'd above any other.*

If

If he does not like the Condition he may renounce his Crown; but if he receive it upon that Condition (as all Magiſtrates do the Power they receive) and Swear to perform it, he muſt expect the performance will be exacted, or revenge taken by thoſe he has betray'd.

If this be not ſo, I deſire to know of the Author, How one or more Men can come to be guilty of Treaſon againſt the King; As Lex facit ut ſit reus. *No Man can owe more to him than to any other, or he unto every other Man by any Rule but the Law. And if he muſt not be Judge in his own Caſe, neither he nor any other by Power received from him, would ever try any Man for an Offence againſt him or the Law.*

There was much more read, all inſiſting upon the ſame *Argument*, and endeavouring to fix the ſupream Power in the People, too long for this Obſervation; only two ſhort paſſages muſt not be left out, which were theſe, both read by the *Clark* of the *Crown*. *That the general Revolt of a Nation from its own Magiſtrates could not be call'd a Rebellion. And that the Power of calling and diſſolving Parliaments is not in the King.*

The Lord *Ruſſels* Conviction given in Evidence.

The Sheets being ſhewn to the *Priſoner*, He Anſwered, That he could not tell what to make of it, to read it in pieces in that manner. And then being ask'd by the *Court*, what pieces he would have read? He made this reply, *Let him give an account of it, that made it.*

After this the *Attorney General* ſaid, He had only one piece of *Evidence* to give more: That he was one of the *Accomplices* of the Lord *Ruſſel*, and therefore he would give in *Evidence* his *Conviction*. To which purpoſe the Lord *Howard* was ask'd, Whether he was not Sworn as a *Witneſs* at the *Tryal* of the Lord *Ruſſel*? who Anſwering, *Yes*; The next *Queſtion* was, Whether in thoſe debates, there were any *Reflections* upon the *King* that he had broken his *Duty*? to which the Lord *Howard* Anſwered, Not perſonally upon the *King*, but upon his *Miſgovernment*, and principally that which they thought was the general diſguſt of the *Nation*, their impoſing upon the *City* at that time: which was the thing then complain'd of, and look'd upon as the chief *Grievance*.

Reflections upon the Kings Miſgovernment, particularly for impoſing upon the City

Then the *Copy* of the *Conviction*, being Sworn by Mr. *T*—— to be a true *Copy* examin'd by the *Original* was read.

Here the *Attorney General* reſted, unleſs the *Jury* deſired to hear the Words of the *Libel* read again, which they did not. So that Colonel *Sidney* being now free to make his *Defence*, deſired in the firſt place to know upon what *Statute* he was *Indicted*? to which it was Anſwered by the *Attorney General*, that he was *Indicted* upon the *Statute* of the 25*th*. of *Edward* the 3*d*.

The Priſoner deſires to know upon what Statute he was Indicted? Is anſwered upon the 25*th*. of *Edward* the 3*d*.

The *Priſoner* deſired to know upon what Branch of the *Statute*? It was reply'd, Upon the firſt Branch, for Conſpiring and Compaſſing the *Death* of the *King*.

To which the *Priſoner* reply'd, That then he conceiv'd, that what came not within that *Statute*, did not touch him; and deſired to know what the *Witneſſes* had Sworn againſt him upon that Point? the *Lord Chief Juſtice* told him, repeating the *Attorney Generals* Words, That he was *Indicted* upon the *Statute* of the 25*th*. of *Edward* the 3*d*. which makes it *High-Treaſon* to

Conſpire the Death of the *King*, and that the *Overt Act* was ſufficiently ſet forth in the *Indictment*; the *Queſtion* was, Whether 'twere prov'd?

He puts a Queſtion as to his Paper.

To which the *Priſoner* pleaded, That they had prov'd a *Paper* found in his Study of *Caligula* and *Nero*, and ask'd whether that were Compaſſing the Death of the *King*?

Anſwered by the Court.

The *Lord Chief Juſtice* reply'd, He ſhould tell the *Jury* that, and told them that the Point in *Law* they were to receive from the *Court*, but whether there were *Fact* ſufficient, was their *Duty* to conſider.

Then Colonel *Sidney* undertook his *Defence*, ſaying, *That ſince he was Indicted upon that Statute, he was not to take notice of any other.* That he was *Indicted* for Conſpiring the Death of the King, becauſe ſuch a *Paper* was found in his *Study*. That under favour, he thought that would be nothing to him. For that tho Sir *Phillip Lloyd* did ask him whether he would put his *Seal* to it? He did not ask him, till he had been in his *Cloſet*, and he did not know what he had put in, and therefore he told him he would not do it. That then came the *Gentlemen* upon ſimilitude of Hands: to which he Anſwered, That it was well known what ſimilitude of Hands was in this *Age*. That a *Perſon* came to him, and told him but about two days before, that one came to him, and offer'd him to counterfeit any hand he ſhould ſhew him in half an Hour; and therefore he had nothing to ſay to thoſe *Papers*.

He denies the ſimilitude of hands to be a good proof.

He alledges two Witneſſes to the branch to which the Treaſon relates.

Then for Point of *Witneſs*, that he could not be *Indicted*, much leſs *Tryed* or *Condemned* upon the 25*th*. of *Edward* the 3*d*. for that by that Act there muſt be two *Witneſſes* to that very Branch to which the *Treaſon* relates, which muſt be diſtinguiſhed. For the Levying of *War*, and Conſpiring the Death of the *King*, are two different things, diſtinct in *Nature* and *Reaſon*, and ſo diſtinguiſhed in the *Statute*: and therefore the Conſpiring the Death of the *King* was *Treaſon*, the other not. That the 1*ſt*. of *Edward* the 8*th*. 12*th*. and 5*th*. *Edw*. 6. 11. did expreſsly ſay, there muſt be two *Witneſſes* in either of thoſe Acts. That then there was the Lord *Howard*, who only ſpoke of ſix Men, whom he call'd a *Select Council*, and yet *Selected* by no *Perſon* in the *World*. He deſir'd to know, Who *Selected* the Lord *Howard*, or who *Selected* Him? That if they were *Selected* by no Body, it was a *Bull* to ſay they were a *Selected Council*. That if they were not *Selected*, but *Erected* themſelves into a *Cabal*, then they had either *Confidence* in one another, or found they were ne're able to aſſiſt one another in the Deſign. But there was nothing of all that, for that thoſe ſix Men were *Strangers* one to another. That for his part, he never ſpake with the Duke of *Monmouth* but three times in his *Life*, and that one time was when the Lord *Howard* brought him to the *Priſoners* Houſe, and couzen'd them both, by telling the Duke, that the *Priſoner* had invited him and the *Priſoner*, that the Duke invited himſelf, and neither true.

Now that ſuch Men as thoſe were, hardly knowing one another, ſhould preſently fall into a great and intimate Friendſhip, and truſt and management of ſuch buſineſſes as thoſe were, was a thing

thing utterly improbable, unleſs they were mad. That he found in the Lord *Howards Depoſition* againſt the Lord *Ruſſel*, That they were in *Proſecution* of the Earl of *Shaftsbury*'s Deſign, and yet acknowledged that the Duke of *Monmouth* ſaid he was mad, and that he himſelf ſaid ſo too: That therefore ſhould they have joyned with four more in the *Proſecution* of the Deſign of a mad-Man, they muſt be mad too. Only whether the Lord *Howard* would have it thonght he was mad, becauſe a mad-Man could not be *Guilty* of *Treaſon*, he could not tell. That the Lord *Howard* in his laſt *Depoſition* had fix'd the two *Meetings*, one about the middle of *January*, and the other ten days after; but that now he had fix'd the one to be the latter end of *January*, and the other about the middle of *February*: and that then he made it to be the *Proſecution* of the Lord *Shaftsbury*'s Deſign; but he did not find that any one there had any thing to do with the Lord *Shaftsbury*; that for his part he had not, neither had he ſeen his Face in two *Years*. Then the next thing that he went upon was, That what ever the Lord *Howard* were, he was but one *Witneſs*. That the *Law of God and Man* requir'd two *Witneſſes*; So that for one to come and ſpeak of an *Imaginary Council*, another of a *Libel*, Written no *Body* knew when, was ſuch a thing that never could be got over. That if the *Law of God* were, that there muſt be two *Witneſſes* to one *Fact*, there was an end of the *Matter*, and that under the *Judicial Law*, the penalty would have been in ſuch a Caſe to put a Man to *Death*. That then there were but two things, which if allow'd, no Man vvould be ſafe for *Perjury*. The one vvas to ſuffer Men to give their *Teſtimony*, one to one thing, and another to another, that the fraud could not be Diſcover'd, and the other vvas to take avvay the *Puniſhment*. That the *Puniſhment* vvas in ſome meaſure taken avvay, and if the other Point vvere taken avvay vvhereby the fraud could not be Diſcover'd, then no *Defence* could be made. Then he inſtanc'd the *Story* of *Suſannah*, that both *Witneſſes* ſhould be to the ſame Point; Therefore if there vvere tvvo *Witneſſes* to prove the *Conſpiracy*, and that thoſe *Matters* vvere done in it vvhich vvere *Treaſon*, he vvas to anſvver it; if there vvere not, he preſum'd he needed not ſay any thing to it; vvhich if it might not be allovv'd him, he deſir'd *Council* to argue it.

The Lord *Howard* but one Witneſs.

He purſues his Argument for the neceſſity of two Witneſſes.

And deſires Council upon the Point.

To that the *Court* made *Anſwer*, That it vvas a Point of *Fact*, vvhether there vvere tvvo *Witneſſes*? allovving that one *Witneſs* vvas not ſufficient.

The Anſwer of the Court.

From vvhence the *Priſoner* inferring that there vvas the Lord *Howard* and never another, the *Court* admoniſh'd him not to make thoſe *Inferences*; and that the *Jury* ſhould be told, That if there vvere not tvvo *Witneſſes*, as the *Law* requir'd in the *Caſe*, they vvere to acquit him.

Upon this the *Priſoner* ſaid, He vvas Confounded; and pleading by vvay of *Interrogatories*, ask'd the *Court* vvhat vvas a *Conſpiracy* to Kill the *King*? and vvhether there vvere any more *Witneſſes* then one for Levying *War*?

He expoſtulates with the Court.

In Anſvver to vvhich the *Court* bid him not deceive himſelf, or think that the *Court* intended to enter into a *Dialogue* vvith him, but Anſvver vvhat he could to the *Fact*.

And is anſwered.

To

To which the *Priſoner* reply'd, That then there being but one *Witneſs*, he was not to Anſwer to it at all.

The *Court* told him, If he rely'd upon that, they would proceed to direct the *Jury* preſently.

He taxes the Lord *Howard* of varying in his Evidence.

The *Priſoner* continu'd, That then again for Levying *War*, there was no *Evidence* as to that: He Challeng'd the Lord *Howard* alſo, to reconcile what he had ſaid at the Lord *Ruſſels Tryal*, with what he ſaid then. That he had there declar'd he had ſaid all he could, but that now he had got he knew not how many things, that were never ſpoken of there: upon which the *Priſoner* appeal'd to the *Court*, Whether he had ever ſpoken a word of what he ſaid then concerning Mr. *Hambden*? That he ſet forth his *Evidence* very *Rhetorically*, but that it did not become a *Witneſs*, who was only to tell what was ſaid and done; but that he did not tell what was done and ſaid. That he had ſaid they took upon them to conſider, but does not ſay what one Man ſaid, or what one Man reſolv'd, much leſs what the *Priſoner* did. That if thoſe things were not to be diſtinguiſh'd but to be jumbl'd together, he then knew not what to ſay.

The Priſoner put upon it by the Court to bring his Witneſſes.

Here the *Court* again advertiz'd the *Priſoner* to Anſwer the *Matter* of *Fact*, or if he had any *Teſtimony* to diſparage the *Witneſſes*, to produce it.

That the Lord *Howard* owed him Money.

Thereupon the *Priſoner* urg'd againſt the Lord *Howard*, That he had accus'd himſelf of divers *Treaſons*, and had no pardon for any, that he was under the terror and puniſhment of thoſe *Treaſons*. That he had ſaid he could not get his *Pardon*, till he was paſt the *Drudgery* of *Swearing*. That he ow'd the *Priſoner* a conſiderable ſum of *Money*, lent him in time of his great *Neceſſity*; and that when his *Mortgage* was forfeited, and the *Priſoner* was to take the advantage of the *Law*, he had found out a way to have him laid up in the *Tower*. That he came to the *Priſoner*'s *Houſe* when he was put in the *Tower*, and in the hearing of the *Priſoner*'s *Servants*, Swore, as in the preſence of *God*, That the *Plot* was but a *Sham*, and that he knew nothing of it. That he would not only have pay'd the *Debt* due to the *Priſoner* by his *Teſtimony*, but would fain have got his *Plate* and other *Goods* into his hands under pretence of ſecuring them. That he had proteſted the ſame thing to Dr. *Burnet*, as he had done to the *Priſoner*'s *Servants*; and that when he came to Anſwer it, he ſaid he was to face it out, and make the beſt of it he could, which he did bravely againſt *God*, but was very timerous of *Man*. That he had declar'd at the Lord *Ruſſels Tryal*, That he believ'd that the *Religious Obligation* of an *Oath* did not conſiſt in the formality of applying it to the place, but in calling *God* to *Witneſs*. So that when he call'd *God* to *Witneſs* before Dr. *Burnet* and ſome others, if what he affirm'd to them were not conſiſtent with his preſent *Oath*, it could not be true, or if he Swore both under the *Religion* of an *Oath*, he Swore himſelf perjur'd.

As for *Aaron Smith*, he had Sworn alſo that the *Priſoner* ſent him, but that no Body elſe ſpoke a word of it.

He urges that as to the Papers ſimilitude of hands was no proof.

As for the *Papers*, he was not to give any *Accompt* of them, nor did he think they were before the *Court*, in regard there was nothing but the ſimilitude of hands offer'd for *Proof*. For this

this he inſtanc'd in the Caſe of the Lady *Car*, *Indicted* of *Perjury*, for proof of which ſome *Letters* of hers were produc'd, which were contrary to what ſhe Swore in *Chancery*, and it was prov'd her hand was like it, but the *Lord Chief Juſtice Keeling* directed the *Jury*, that in *Criminal Cauſes* it was no proof at all.

That as to Sir *Philip Lloyd*, he thought him to be no *Witneſs*, as being the *King's Officer*, and he being proſecuted at the *King's Suit*; For which, he urg'd a *Caſe* of a great *Miniſter* in *France*, whoſe *Treaſonable Papers* being inventory'd by one of the *King's Officers*, was the reaſon why they could not be made uſe of. He added farther, That the *Papers* were old *Ink*, and might be written twenty *Years* ago for ought he knew. He objects againſt Sir *Philip Lloyd*.

As for the *Conſult*, it was ſtrange that ſuch Men as they who had no *Followers*, ſhould undertake ſo vaſt a Deſign, and very unlikely, when they had neither *Officers* nor *Souldiers*, no time, nor place, nor Money for it. That he had ſpoken the laſt time of 20 or 3000 *l.* but no Man knew where it was to be had, only he ſaid the laſt time it was ſpoken in *Feſt*. That it was a pretty *Cabal*, for ſix Men to meet about a buſineſs, and neglect every one of the Points relating to the buſineſs they met about, or if any one did ſpeak of it, that it was but in *Feſt*. Deſcending then again to the Point of the *Papers*, he began to open the *Argument* of *Filmer's* Book, alledging it was a Book of ill *Fundamentals*, to which thoſe *Papers* ſeemed only to be an *Anſwer*. But then the *Court* interrupted him, and admoniſhing him not to ſpend theirs nor his own time, ask'd him whether he own'd the *Paper?* which when he deny'd, the *Court* bid him to proceed to that which was pertinent.

Colonel *Sidney* inſiſted that he had ſeveral Points in *Law*, particularly whether Conſpiring to Levy *War* were *Treaſon?* He inſiſts upon ſeveral Points of Law.

To which the *Court* reply'd, That there could be no doubt in Point of *Law*, till there were a ſettlement in Point of *Fact*, that if he would agree the Conſpiracy, they would tell him their *Opinions*, but that they could give no *Opinion* in *Law* till the Point were ſtated. That the *Conſpiracy* was prov'd by one *Witneſs*, and therefore if he had any thing to take off his *Credibility* 'twas to the purpoſe. They alſo allow'd him to have any part of the *Papers* read, either to execute, or explain the *Treaſon* which was imputed to him in the *Libel*.

So that at length after ſeveral *Repetitions* of the ſame *Objections*, and a long *Patience* of the *Court*, Colonel *Sidney* call'd his *Witneſſes*. He calls his witneſſes.

The Earl of *Angleſey* declared, That being in *Company* with the Earl of *Bedford*, when the Lord *Howard* came to give him a viſit, and to comfort him in his *Affliction* for his Sons being taken, he told him he was not to be troubl'd, for that he had a diſcreet, a wiſe, and a vertuous Son, and that he could not be in any ſuch Plot, and his *Lordſhip* might therefore well expect a good Iſſue of that buſineſs, and he might well believe his Son ſecure: for he believ'd he was neither Guilty, nor ſo much as to be ſuſpected. He proceeded farther, and ſaid he knew of no ſuch barbarous Deſign, and could not Charge the Lord *Ruſſel* with it, nor any Body elſe. The Teſtimony of the Earl of *Angleſey*.

Of the Earl of *Clare.* The Earl of *Clare* declared, That as for Colonel *Sidney*, the Lord *Howard* did with several asseverations assert, after the Colonel was taken, That he was as Innocent as any Man breathing, and us'd great *Encomiums* in his praise, and then seem'd to bemoan his misfortune, which he thought real; for that he believ'd, never any Man had been more engag'd to another, then he was to Colonel *Sidney*. And upon talking of some *Papers* that were found, he said he was sure nothing could be made of any *Papers* of his. And that this was about a Week before the Lord *Howard* was taken.

Of Mr. *Philip Howard.* Mr. *Philip Howard* declared, That when the Plot first broke out, he us'd to meet the Lord *Howard* very often at his *Brothers* House; and that coming from *White-hall* one day, and being ask'd what *News?* he told him, That there were abundance of *People* that had confess'd a *Horrid Design* of *Murdering* the *King*, and that their Names were Colonel *Rumsey*, *West*, *Walcot*, and others that were in a *Proclamation*. That he ask'd his Lordship what he thought of the *Business?* to which he Answer'd, That he was in an amaze. That he adviz'd him to lay hold upon the *Opportunity* to speak to the discontented *Lords*, to joyn in an *Address* to the *King*, to shew their Detestation and Abhorrence of the thing, as a means to reconcile all things: That the Lord *Howard* promis'd him to go about it, but because the Earl of *Essex* was out of *Town*, it went off.

That the next day he met the Lord *Howard* again at his *Brothers* House, and being by him ask'd what *News?* that he Answered, The Lord *Russel* was sent to the *Tower*; to which he reply'd, Then we are all undone, and desir'd him to go to the *Lord Privy Seal*, and see whether he was to be taken up: for that he doubted it was a *Sham-Plot*, for if it were a *True-Plot*, he should fear nothing. That he refus'd to go, not thinking it probable that his *Lordship* would resolve him such a *Question*; but that he farther ask'd him, If he were not Guilty, why he would have him go? to which the Lord *Howard* reply'd, Because he fear'd 'twas no *True-Plot*, but a *Plot* made upon them, and therefore no Man was free.

That he met him a third day at the same place, and found him very melancholly, and that asking him the reason? he Answered, Because Colonel *Sidney* was taken. Upon which he ask'd him again, Why he was not troubl'd the Day before for the Lord *Russel*, who was of his *Blood?* he reply'd, Because he had that particular *Obligation* from Colonel *Sidney*, that no one Man had from another.

Of Dr. *Burnet.* Dr. *Burnet* declared, That the Day after the *Plot* broke out, the Lord *Howard* came to see him, and upon some Discourse of the *Plot*, with hands and eyes lifted up to *Heaven* protested, He knew nothing of any *Plot*, believ'd nothing of it, and said he look'd upon it as a *Ridiculous Thing*.

Of *Joseph Ducas.* *Joseph Ducas* declar'd, That the next Day after the Colonel was taken, the Lord *Howard* came to the Colonels House, and ask'd him where Colonel *Sidney* was? that he reply'd, He was taken by an *Order* of the *King*; to which his *Lordship* cry'd, *O Lord what is that for!* That he adviz'd him to carry all the things

out

out of the House where they might be alone. That he came again about seven a Clock at Night: and that then he told his *Lordship* of the *Report* of a *Plot* to Kill the *King* and the *Duke*, and of a general *Insurrection*, and of Colonel *Sidneys* sending into *Scotland*; to which the Lord *Howard* reply'd, *God knows, he knew nothing of all that, and that he was sure, had Colonel* Sidney *been concern'd in the Matter, he would have told him something, but he knew nothing.*

Of the Ld. *Paget.*

The Lord *Paget* declar'd, That the Lord *Howard* was with him presently after the breaking out of the *Plot*, and that he told him he was glad to see him abroad, and that he was not concern'd in the *Disorder*: to which he reply'd, That he had joy from several concerning it, and he took it as an injury, for it look'd as if he were Guilty, but that he knew nothing of himself, or any Body else; and that though he were free in *Discourse*, and free to go into any *Company*, yet he had not seen any body that could say any thing of him, or give him any occasion to say any thing of any body else.

Of Mr. *Edward Howard.*

Mr. *Edward Howard* declared, That as soon as the *Plot* broke out, the Lord *Howard* having a great *Intimacy* with him, he expressed a great detestation and surprizing in himself to hear of it, and assur'd him under great asseverations, that he could neither accuse himself, nor any Man living. That he told him moreover, That there were certain Persons of Quality whom he was very much concern'd for, that they should be so much reflected upon, or troubl'd, and condol'd their Condition very much, both before and after.

That upon *Discourse* at another time (which he had omitted at the Lord *Russels Tryal*, by reason of the reproof that was accidentally given him) upon *Discourse* of the *Plot*, the Lord *Howard* assur'd him. That it was certainly a *Sham*, even to his knowledge, too black for any *Minister* of publick Employment to have devis'd, but that it was forg'd by *People* in the *Dark*, such as *Jesuits* and *Papists*, and that it was in his *Conscience*. That thereupon he adviz'd him to make an *Address* to the *King* under his hand to testify his abhorrency of the *Thing*. Then being ask'd by his *Lordship* to whom he should apply himself, he pitch'd upon the Lord *Hallifax*, and going to him, told him, that the Lord *Howard* was willing to set it under his hand, his detestation of the *Plot*, and that there was no such thing to his knowledge: but that upon the Lord *Russels* being taken, the thing was laid aside.

Of Mr. *Blake.*

Mr. *Blake* declar'd, That about six Weeks since, the Lord *Howard* sent for him to come and see him. That he went upon *Discourse* of *News*, he told the Lord *Howard*, That he heard no body had their *Pardon*, but he that first Discover'd the *Plot*; to which the Lord *Howard* Answered, *No*; but that he had a *Warrant* for it, and that he had their *Word* and *Honour* for it, but he would do nothing in it, till he had farther *Orders*. That he heard nothing of it, and could *Ascribe* it to no other Reason, but that he must not have his *Pardon* till the *drudgery* of *Swearing* was over.

Of *Grace Tracy.*

Grace Tracey declar'd, That the Lord *Howard* protested he knew nothing of a *Plot*, and that he was sure Colonel *Sidney* knew

knew nothing of it; And farther added, That if he had known any thing of it, he must needs have known of it, for that he knew as much of his Concerns as any one in the *World*: and took *God* to *Witness* of his *Protestation*.

Of *Elizabeth Penwick*.

Elizabeth Penwick declared, That the Lord *Howard* ask'd for him? and they said he was taken away by a Man to the *Tower* for a *Plot*; upon which he took *God* to *Witness*, that he knew nothing of it, neither did the Colonel; but said it was only *Malice*, desiring withal that the Colonels *Plate* might be sent to his House to be secur'd.

Mr. *Wharton* offers to imitate the hand.

Then one Mr. *Wharton* stood up, and offer'd to the *Court*, that if the sheets might be shewn him, he would undertake to imitate them in a little time, that they should not know which was which.

The Prisoner proceeds in his defence.

He argues upon the Statute of the 25*th*. of *Edward* the 3*d*.

Then the *Prisoner* proceeding to his *Defence*, set forth, That there was a large *Complication* of *Crimes* laid to his *Charge*. That he understood they were under the *Statute* of the 25*th*. of *Edward* the 3*d*. That the *Statute* had two Branches, one relating to *War*, the other to the *Person* of the *King*. That that which related to the *Person* of the *King*, made the Conspiring, Imagining, and Compassing the *Death* of the *King* to be Criminal. That the Branch concerning *War* was not so, unless it were levy'd. That he could not imagin to which of the two they referr'd his *Crime*; For that to say that a Man did meet to Conspire the *Kings Death*, and for him that gave the *Accompt* of the business not to say one word of it seem'd extravagant.

For that *Conspiracies* had always their *Denomination* from that Point to which they tended. That the King had two *Capacities Natural* and *Politick*: that the *Politick* could not be within the *Statute*, for in that sense he never dy'd; so it was absur'd, to say it should be a fault to Kill the *King* who never dy'd. That then it must be understood in the *Natural Sense*, which was to be done either by *Sword*, *Pistol*, or other violent way. So that if there were not one word of this, then it was utterly at an end, though the *Witness* had been good.

He argues as to the Point of Levying War.

That as to the Point of Levying *War* it was made *Treason*, so it were prov'd by an *Overt Act*, but that there never was an *Overt Act*, or could be pretended in his *Case*. So that if the *War* were not Levy'd, it was not within the *Act*. Therefore in his *Case* it was imply'd, it was first imagin'd, that he intended to raise a *War*, and then it was imagin'd that that *War* should tend to the *Destruction* of the *King*, which though it might follow, was neither *Natural* or *Necessary*, and so could not be so understood by the *Law*. That therefore it was two distinct things to make *War*, and to endeavour to kill the *King*; and that as there was no manner of pretence that he should endeavour to Kill the *King* directly, so it could not be by *Inference*, because it was *Treason* under another *Species*. Upon which he cited the Lord *Colce*, who says it is the Overthrow of *Justice* to confound *Membra Dividentia*. From whence he argu'd, That if the making of *War* could not be understood to be a Conspiring the Death of the *King*, that then he was not Guilty of the *Indictment*; but in his *Case* there was neither *Conspiring the Death of the King*, nor making *War*, nor *Conspiring*

ſpiring to make *War:* beſides that, the *Law required two Witneſſes.*

That as to the buſineſs of *Aaron Smith,* the Lord *Howard* told it ſo imperfectly, and ſo meerly conjecturally, that there was nothing in it but his *Rhetoric* to ſet it out; for that he never told by whom it was Writ, nor what was in it, or whether it were delivered or no. And whereas it was urg'd that the *Scotch Gentlemen* came to *Town,* he profeſſed he never heard of their *Names* till they were named to him in the *Tower.*

The buſineſs of *Aaron Smith* conjecturally and implecitely Sworn.

That as to the *Papers,* if any thing were to be made of them, they were to produce the whole, for that it was impoſſible to make any thing of a part of them. But though ſome *Papers* were found in his *Study* (though it were a *Queſtion* whether they were found there or no, or whether they were not Counterfeit) yet the hand was ſuch as ſhew'd they had been Written many *Years.* He then put it to the Court by way of *Queſtion,* If any body had found *Papers* in his own hand or anothers, that were not juſtifyable, whether that were *Treaſon?* whether that imagin'd the Death of the *King?* And if ever any Man could ſay he ever publiſht a *Sheet* in his *Life,* he would ſubmit to puniſhment.

His Plea in reference to the Papers.

Then he ask'd what *Concatenation* thoſe *Papers* could have with the *Select Council, Selected* by no Body, to purſue the Deſign of the Earl of *Shaftsbury?* Then what was it to do? This was nothing by the *Teſtimony* of the *Witneſs,* were he Credible, he ſaid, but a few Men talking at large what might, or what might not be; what was like to fall out without any manner of *Intention,* or doing any thing. That they did not ſo much as enquire, whether there were Men, Arms, or Ammunition. That it was a *War* to be made by five or ſix Men not knowing one another, nor truſting one another: for which he inſtanc'd Dr. *Cox*'s *Evidence* at the Lord *Ruſſels Tryal.*

His Plea as to the Council of ſix.

Something more he ſaid to the ſame purpoſe, but concluded as to this Point, that the *Court* was not to make any *Conſtructive Treaſons,* but to go according to plain proof; *Conſtructive Treaſons* belonging only to the *Parliament,* as by the immediate *Proviſo* in the *Act,* and by ſeveral other *Acts* of *Parliament* appear'd. And therefore he thought it impoſſible for the *Jury* to find the *Matter:* for that the firſt Point was only prov'd by the Lord *Howard,* who as he thought was no Body, and the laſt concerning the *Papers,* was only imaginary, from the ſimilitude of Hands.

The *Priſoner* having thus made his *Defence,* the *Solicitor General* ſumm'd up the *Evidence,* and anſwered all the *Priſoners Objections* with that Learning and Eloquence, that nothing could be more convincing.

When he had done, the *Priſoner* offer'd again to have ſpoken to the *Court;* but it was told him, that after the *Kings Council* had concluded, the *Priſoner* was never admitted to ſay any thing more. And then the *Lord Chief Juſtice* told the *Jury* in particular, That what the *Priſoner* had ſaid, that was not prov'd; and what the *Kings Council* had ſaid, of which there was no proof to make it out, was not to be taken into any Conſideration.

Then the *Solicitor General* deſir'd one word more as well for his own as the *Priſoners* Sake; That if he had ſaid any thing

The Solicitor Generals Requeſt to the

Court, in his own and Priſoners behalf.

that was not *Law*, or miſrepeated, or miſapply'd the *Evidence* that had been given, he made it his *Requeſt* to the *Court* to rectify thoſe *Miſtakes*, as well in Point of *Fact*, as in Point of *Law*.

The Lord Chief Juſtice delivers his Charge to the Jury.

This done, the *Lord Chief Juſtice* deliver'd his *Charge* to the *Jury*, which was ſo full and ſo clear, that after he had concluded, the *Jury* withdrawing, ſtay'd no longer then about half an Hour in *Conſultation*; and then returning, brought the *Priſoner* in *Guilty*.

He is brought to receive Judgment.

Upon *Monday*, *November* the 26*th*. Colonel *Sidney* was again brought up to the *Bar* of the *Kings-Bench* to receive his *Sentence*, and being ask'd the uſual *Queſtion*? He Pleaded firſt,

That he conceiv'd he had had no *Tryal*, for that he was to be *Tryed* by his *Country*, but he did not find his *Country* in the *Jury* that *Try'd* him, in regard there were ſome of them that were not *Freeholders*; and therefore if he had had no *Tryal*, there could be no *Judgment*.

To which the *Court* reply'd, That it had been the *Opinion* of all the *Judges* of *England* in the *Caſe* laſt proceeding his, that by the *Statute* of *Queen Mary*, the *Tryal* of *Treaſon* was put as it was at *Common Law*, and that there was no ſuch *Challenge* at *Common Law*.

He then deſir'd a *Day* and *Council* to argue it; but it was told him, It was not in the Power of the *Court* to do it.

He then deſir'd the *Indictment* might be read again, which being done, he urg'd that it was void, becauſe it depriv'd the *King* of his *Title* of *Defenſor Fidei*, which was *Treaſon* by the *Law*. But the *Court* did not think it a material Objection.

He urg'd there was no *Treaſon* in the *Papers*, and nothing prov'd of them: to which it was anſwered, That there was not a Line but what was *Treaſon*.

Next he deſired that the Duke of *Monmouth* might be ſent for, and offer'd to acknowledge what ever they pleas'd, if he would ſay there was any ſuch thing as a *Deſign*, or knew any thing of it.

He gives Offence to the Court.

But it was told him that was over, ſince he had been Try'd for the *Fact*. Upon which he put forth theſe words, *If you will call it a Tryal*; which was ill-reſented by the *Court*, as if he went about to Arraign the *Juſtice* of the *Nation*.

Then he complain'd that the *Jury* were not ſummon'd by the *Baliff*, but were agreed upon by the under *Sheriff* and others, and ask'd whether that were a good *Jury*? to which the *Court* made Anſwer, That they could take notice of nothing but what was upon the *Record*, and it appear'd that the *Sheriff* had made his return.

The Court pronounces Judgment.

What he alleadg'd more, was nothing but what he had urg'd in his *Defence* upon the Point of *Conſtructive Treaſon*; So that the *Court* proceeded to Judgment, which was given accordingly. Which *Sentence* being afterwards mitigated by His *Majeſties Grace* and *Favour*, he was upon--------the--------Day of--------

Col. Sidney beheaded.

carryed from the *Tower* of *London*, to the publick *Scaffold* upon *Tower-Hill*. Where after a very ſhort *Preparation*, with little or no *Ceremony*, he lay'd himſelf down, and had his Head ſtruck from his Body by the common *Executioner*.

Upon the *Scaffold* he delivered a *Paper* to the *Sheriffs* in the *Nature*

Nature of a *Speech*, in which he was so far from Repenting for the *Crime* which he suffer'd, that he rather justify'd himself by complaining of the rigour of his *Tryal*, and broaching those very *Opinions* to the subversion of *Monarchy*, which were the Subject of those *Treasonable Papers* for which he was in part Condemned. But the *Speech* has been *Printed*, and therefore there needs no Repetition of a *Matter* so scandalous.

On the other side the Lord *Brandon*, Mr. *Booth*, Major *Wildman*, Mr *Charleton*, and Mr. *Trenchard*, and some others that were Bail'd the last *Term*, were then fully Discharg'd. The Lord *Brandon*, Mr. *Trenchard*, and several others discharged.

THE

Charge and Defence

OF

John Hambden, Esq;

THE 6th. of *February*, 1683. *Term. Sancti Hillar.* *John Hambden* was Tryed before the Lord Chief Justice *Jefferies*, upon an Indictment of High Misdemeanour, for contriving and practising to disturb the Kings Peace, and stirring up *Sedition* in the Kingdom.

The stress of the *Evidence* against the *Prisoner*, was upon the Lord *Howards* single *Testimony*; who Swore, That about the middle of *January*, in the Year, 168⅔. The Council of Six, of which Mr. *Hambden* was one, met at the *Prisoners* House, where they received from his own Lips, a general hint and intimation of the ends of their Meeting, which were to consult and advise one with another, how to put things into a better Method, and posture than formerly. That the Questions were started severally: while one spoke of the time, when it should be, whether now, or when? Another whether to be begun in the City or the Country, or both together? what Persons to be prepared in the several Countries to be assisting in it that were probable to carry it on? what Money should be rais'd? and that lastly it was concluded at the same Meeting, That there should be a Concurrence and Correspondency with *Scotland*, that so Diversions might be given both at home and abroad at one and the same time. The Lord *Howards* Evidence. The first Meeting.

That about a fortnight after there was another Meeting at the Lord *Russels*, where the *Prisoner* was also present; where they came to a Resolution, that some body should be sent into *Scotland*, The second Meeting.

land, upon which Colonel *Sidney* propounded *Aaron Smith*, which was conſented to by Mr. *Hambden*, and the reſt of the Company.

Aaron Smith ſent into *Scotland.*

To prove the Credibility of the Lord *Howards* Teſtimony, he Swears the Circumſtances of *Aaron Smith* being ſent into *Scotland*, which was Corroborated by the *Inn-Keeper* of *Newcaſtle*, at whoſe Houſe he lay, and where he hir'd him a *Guide* to carry *Aaron Smith* the next way into *Scotland*; who alſo knew *Aaron Smith* again, when he ſaw him at the *Council-Table.*

The next Circumſtance was this, That the *Scotch* Gentlemen did come to *London*, under pretence of a purchaſe in *Carolina.*

The Evidence of Sir *Andrew Foſter*, and Mr. *Atterbury.*

This was made out upon Oath by Sir *Andrew Foſter*, and Mr. *Atterbury*. The firſt had ſeen Sir *John Cockram*, Mr. *Monro*, and *Cambel* the Son. The ſecond Swore, That Sir *Hugh Cambel*, Sir *George Cambel*, *Bayley*, and ſome others were taken in *Black-Fryers:* and that he took the reſt in a cunning Hole in *Moor-Fields*, who were afterwards ſent *Priſoners* into *Scotland.*

The ſum of the Evidence.

Thus the ſum of the *Evidence* againſt the *Priſoner* was a Conſultation in Order to the raiſing of Men to infeſt the Government. A *Diſcourſe* concerning the raiſing of Money and Arms for that end: the places where, and the time when: and the Conciliating a friendſhip with ſome diſcontented *Perſons* in *Scotland*, to joyn with the *Conſpirators* in *England.*

Mr. *Williams* anſwers for the Defendant.

To this the *Priſoner* by his *Council* Mr. *Williams* made Anſwer, That whereas the Lord *Howard* was poſitive and particular as to ſome things in reference to Perſons, Places, and Times, yet in what moſt effected the *Defendant*, he was not any thing like poſitive as to the times of the *Meeting*, but only that it was about the middle of *January*, and the beginning of *February.* And thereupon he made this *Obſervation*, That ſince the *Evidence* would not be particular as to the Time, it might be apprehended that he gave himſelf a little looſe, that he might not be contradicted in that *Circumſtance.*

2. That the *Witneſs* were particular as to many *Facts* and *Things* relating to the Lord *Shaftsbury*, where he Names other particular Perſons and Diſcourſes, yet he had not made uſe of any one *Circumſtance* of *Fact* in the *Caſe* of the *Defendant*, ſave only that of *Aaron Smith.*

In the next place it was urg'd, That in regard there were other *Witneſſes* before, and beſide the *Evidence*, to the *Diſcovery* of the *Plot*, it concern'd the Lord *Howard* to give a home *Evidence* in the *Caſe*, or elſe he could have no expectation of his *Pardon*; and that therefore he was concerned perhaps to ſtrain, that he might make ſuch a *Diſcovery* as might anſwer his end; which the *Counſel* ſuppoſed would Naturally ariſe out of this *Caſe*, ſince it was ſomething long before he got his *Pardon*, but that now he had it.

After this, ſeveral *Perſons* of *Quality* were produced, to prove the Lord *Howards* denyal of a *Plot*, that he knew of none, and believ'd the whole thing a *Contrivance.*

To prove the Priſoners Converſation.

Others were call'd, to prove Mr. *Hambden* a *Perſon* of a retired Life, addicted to his *Studies*, free from *Turbulency*, and medling in buſineſs, and of great eſteem, reſpect, and duty, which

which he always expreſſed for the *King* and the *Government*.

This being done, the *Lord Chief Juſtice* himſelf made a moſt elaborate *Recapitulation* of what had been offered in *Evidence* by the *Kings Council*, and what the *Council* for the *Priſoner* had objected againſt it. Which *Objections*, though it were Confeſſed, that they were Ingeniouſly made by Mr. *Williams*, for the advantage of his *Client*, yet were they all cleared by the *Lord Chief Juſtice* with that ſatisfaction as he went along, both to the *Court* and all that heard him, that the *Jury* returning within half an Hour after they withdrew from the *Bar*, brought in the *Priſoner* Guilty of the *Treſpaſs* and *Miſdemeanour* whereof he was Indicted. The Lord Chief Juſtice ſumming up the Evidence.

The *JURY* Sworn were theſe:

Sir *Charles Gerard*, Bar.	*John Sharp*, Eſq;
Roger Jennings, Eſq;	*Charles Good*, Eſq;
Henry Hodges, Eſq;	*Samuel Rouſe*, Eſq;
Thomas Harriots, Eſq;	*Hugh Squire*, Eſq;
Thomas Earſby, Eſq;	*Nehemiah Arnold*, Eſq;
William Avery, Eſq;	*John Biſield*, Eſq;

Upon the 12*th*. of *February*, the *Attorney General* mov'd for Judgment upon this Conviction; upon which the *Priſoner* being ordered to come into *Court*, the Judgment of the *Court* was, That a *Fine* of 40000 *l*. ſhould be ſet upon him, that he ſhould be committed till he paid it, and that he found Sureties for his good behaviour during *Life*. Then Mr. *Williams* prayed his *Bayl* might be Diſcharg'd, which was agreed, he being Committed. And for the *High Treaſon* it was concluded, that he was Diſcharged by the *Habeas Corpus Act*, there being no *Proſecution*.

The Charge *and* Defence *of* Lawrence Braddon, *and* Hugh Speak, *who were Tryed at the* Kings-Bench-Bar, *the Seventh of* February, 1683.

THEY were both Charged together upon an *Information*, That they Conſpir'd together, to make the People believe, That whereas the Earl of *Eſſex* Murdered himſelf, and ſo it was found by the *Inquiſition*, yet that *Inquiſition* was taken unduly, and irrigularly obtain'd, and that they did Conſpire to procure falſe *Witneſſes* to make theſe things out. The Charge in general.

There was a third thing Charg'd upon *Braddon*, That he went about by *Papers* and otherwiſe to publiſh it, that he was a Perſon employed to Proſecute the Murther of the Earl of *Eſſex*.

The heads of the Information.

For the *Information* it ſelf there was this *Evidence*, firſt Mr. *Evans* Swore, That he had heard at the *Cuſtom-Houſe* from the Father of the Boy, as though there had been a Report came to him from home at ten that Morning, upon which the Earl of *Eſſex* had cut his Throat, of a *Razer* thrown out of the Earls Window; and that in the Afternoon he came to him again, and told him, he had examin'd the *Matter* farther, and his Boy had confirm'd the *Truth* of it. Farther the ſame Mr. *Evans* Swore, That after this, Mr. *Braddon* and one *Hatſal*, came to the place where he was in *Eſſex*, at what time *Hatſal* took out of his Pocket a Printed Copy of the *Inquiſition*, and then Mr. *Evans* ſaid ſomething about the Report he had heard, which ſeemed to contradict the *Inquiſition*. That ſome time after being at a *Coffee-Houſe*, *Braddon* and *Edwards* came to him, and there they began to talk, and *Edwards* ſaid, that *Braddon* had been with his Child to examine him, to bear *Teſtimony* about flinging the *Razor* out of the Window, upon the Report which the Boy had made out: upon which he adviz'd them to forbear talking any farther about the *Matter*, for that it might do *Braddon* and *Edwards* both an Injury.

Edwards's Evidence.

Edwards Swore, that he heard the Report firſt from his Family, and that afterwards the Boy confirmed the Truth of it; but afterwards he heard the Boy had denyed it, which was after *Braddon* had been there to enquire concerning it. Then he Swore that *Braddon* came to him again, and that then he had got a note dictated by himſelf, and not by the Boy, which being tendered to the Boy, the Boy refuſed to put his hand to it. Upon which Mr. *Braddon* came again another time, though he was told, the Boy had deny'd it, and then the Boy did ſet his hand to it. Withal he ſaid, the Boy was us'd to tell Lyes very often, which his Family told him alſo, and that more eſpecially to make Excuſes when he played *Truant*.

The Boy upon his Oath.

The Boy being put upon his Oath, with all the tenderneſs and admonitions that could be us'd, Swore poſitively, That he told his Mother and Mr. *Braddon*, what he had Reported concerning the *Razor* was true at firſt; but when his Siſter bid him be ſure to tell nothing but what was *Truth*, then he ſaid, *Truly it was not Truth*.

He farther Swore, That Mr. *Braddon* offer'd him a *Paper* to Sign, but he would not Sign it: and being ask'd the *Queſtion* why he would not? He Anſwered, Becauſe it was not true: and being ask'd whether *Braddon* had notice of this, both the Mother and Siſters all Swore, That *Braddon* had notice that the Boy had denyed it. The Boy deny'd alſo upon his Oath, That he had ever ſay'd, He was going to ſee the Lord *Gerard* of *Brandon's* Lodgings, though *Braddon* had put it into the *Paper* which he made him Sign.

He farther Swore, That Mr. *Braddon* came to him a ſecond time, after he had refus'd, and that then it was that Mr. *Brandon* impoſing upon him, and pretending there was no harm to him, but that if there were, it would redound to *Braddon* himſelf, he was then prevail'd upon to put his Name to that which was notoriouſly falſe.

him,

Dr. *Hawkins*'s Son of the *Tower* deposed, That he likewise played *Truant* that Morning; that upon the Report of the Earl of *Essex*'s having cut his Throat, he went back to the *Tower*, and was there a considerable time gaping among the People, and that he saw *Edwards*'s Boy there, that he was there all the time he was there, that they went out of the *Tower* together, and that there was no such thing, nor any grounds for such a Report. Dr. *Hawkins* his Sons Testimony.

Mr. *Brathwayt*, who was present when Mr. *Braddon* was before the King, deposed, That the Boy and the Girl were fetch'd and all Persons examin'd, and that after this it was told him, That all that the Boy had said was false, and by his *Faith* it was a Lye. That *Braddon* confessed he would have got some Justices of the Peace to have examin'd the Boy, and to that purpose apply'd himself to Sir *Robert Clayton*, and Sir *John Lawrence*, but because they would not do it privately, he would not let them do it at all. Mr. *Brathwayt*.

That the right Words of one of the Sisters being examin'd before the King, to the best of his remembrance was, *That* Braddon *compell'd the Boy to Sign it.*

Mr. *Monstevens* depos'd, That Mr. *Braddon* came to him, and shew'd him the Boys *Information*, which he read, and thereupon by way of caution told him, That he wonder'd Sir *H. Capel* did not appear in a *Matter* of that Moment! To which *Braddon* reply'd, That Sir *H. Capel* was ill, and could not come himself. But being told that Sir *H. Capel* was not so ill, but that he had been with the Earl of *Sunderland* and the King too, since the Death of the Earl of *Essex*, he made no Answer, only that he did it out of the Duty he ow'd to the *Memory* of the Lord of *Essex*.

Sir *H. Capel* upon Oath declar'd, That Mr. *Braddon* came to him, to tell him he had some *Discovery* to make concerning the Death of the Earl of *Essex*; to whom Sir *Henry* reply'd, That if he had any thing of that *Nature*, he should go to a *Secretary* of *State*. Sir *H. Capel*.

Mr. *Beech* being Sworn, deposed, That when he was seiz'd in the *Country* by the *Warrant* of one Mr. *Aires*, there was found about him several *Informations* of his own contriving, as of *Edwards*'s Boy, of the little Girl *Lodeman*, a *Letter* from one *Burgess* a *Pinmaker* in *Marleborough* to the *Post-Master* of *Froom*, to this effect: *Pray call to mind such a business of a Report of my Lord of* Essex's *cutting his Throat, upon* Fryday *the* 13th. *of* July *last. Pray recollect your self, and impart it to this Bearer.* Mr. *Beech*'s deposition. The substance of *Burgess*'s Letter.

In this *Letter* it appeared, That Mr. *Burgess* had put it in his *Letter* the *6th.* of June; but upon Mr. *Braddons* telling him that he had mistaken, it must be the 13*th.* the same *Burgess* accordingly interlin'd the 13*th.* of *July*, to make it humour the Story.

Against Mr. *Speak* there was no other *Evidence* than the *Letter* which was taken out of *Braddons* Pocket in the *Country*, directed to Sir *Robert Atkins*, and by Mr. *Brathwayt* Sworn to have been own'd by Mr. *Speak* himself before the *King* and *Council*. Speak's Letter.

The substance of which was, *That* Braddon, *a very Honest Gentleman, the Prosecutor of the Murder of the Earl of* Essex, *had*

had made a considerable Discovery of it, notwithstanding the hard stream he ran against. That he had sent him his Man, for fear he should be stabb'd, or knockt in the head in those Parts, and desired Sir Robert's *advice how he should proceed, admonishing him withal, to call him by the Name of* Johnson. *Then going on in the first Person* Plural, *we hope, said he, to bring on the Earl of* Ess x's *Murder to a Tryal, before they can any of them in the Tower*, &c. *We labour under many difficulties, as the Tide runs at present*, &c.

His Defence. To this the chief of Mr. *Speaks* Defence was, That he wrote the *Letter* at such a time at Night, after he had been at the *Tavern*, that he knew not well what he wrote. That he knew nothing but what he had from *Braddon*, and that he was no otherwise concern'd, or knew any of the *Matter*. So that the *Lord Chief Justice* left it to the *Jury*, whether they believ'd he had written the *Letter* with a Design to have the Lye spread abroad, for that then he was as guilty in every Circumstaace as the other, as to the Design in general laid in the *Information*; though not equally guilty about the management. For *Braddon* several *Evidences* were call'd, who were all examin'd by *Braddon* himself.

Lewis asserted, That one day as he was going up a *Hill* near *Andover*, he heard the News of the Earl of *Ess x*'s cutting his Throat, and said it was upon a *Fryday*, but what Week or Month it was, only that it was in *Summer*, he could not tell.

Feilder being call'd, asserted, That at *Andover*, the *Wednesday* before the Earl Murder'd himself, it was all the talk of the *Town*, that he had cut his Throat, and that it was all the talk of the *Town* at that time, though the *Fact* were not committed till *Fryday*; but could not remember the Name so much as of one Person, though the *Town* were so full of People.

Mrs. *Edwards* the Mother. Mrs. *Edwards* being call'd, asserted, That when *Braddon* came first to enquire about the Boys Report, they were a little startled; that thereupon the Daughter went to the Boy, and told him such a Person had been there about such a thing, and bid him speak the *Truth*. *Why?* says the Boy, *Will any harm come of it?* I can't tell, said she, but tell you the *Truth*. Then said the Boy, *All the Story is false*.

Mrs. *Edwards* the Daughter. The Daughter, young Mrs. *Edwards*, affirm'd the same thing, That the Boy did tell them such a *Story* at first, but that afterwards he affirm'd it was all a *Story*, and meerly his own *Invention*.

Being ask'd by *Braddon*, whether she did not frighten him, by threatening his *Father* would be turn'd out of his place? she Answered, *No*; being upon her *Oath*.

Jane Loadman. *Jane Loadman* being Sworn, deposed, That she saw a hand throw a *Razor* out of a *Window*, but she could not tell what *Window* it was; presently after which she heard either two shrieks or two groans, she could not tell which. That there were a great many people there, who could not chuse but see the same: but the people she did not know.

Being ask'd whether the *Razor* were thrown on the in-side of the *Pales*, or the out-side? she Answered, The out-side, in contradiction to the Boy who had said the in-side. Then again having

having Sworn in *Braddons* Examination, That she saw the *Razor* thrown out of the Lord of *Essex*'s Lodgings, she deny'd in Court upon her Oath, that she knew where his Lodgings were. In her *Information* she affirms she heard, Go fetch up the *Razor*. In Court she Swore, She heard no *Souldier* speak at all. And all this done in open Day when there were abundance of People there, though she could not tell any particular Body. Upon which the *Lord Chief Justice* made this Remark, That it was strange, that out of a hundred People, which if the Girl said true, were there, *Braddon* could not satisfie himself to enquire after some of them, but must pick up a Child of thirteen Years of Age, to practice upon in that villainous manner.

Moreover, by the Accompt which *C. Hawley* gave of his House, it was impossible that the Girl could see a Coach at the Dore: it was impossible there should be a Croud of people in the Yard, because the *Sentinel* that stood at the Door must have seen all that past in and out: and besides, the *Pales* were so high, that nothing could be flung over, that could easily be discern'd.

Mrs. *Barton* depos'd, That *Braddon* did engage the Boy at Mrs. *Edwards*'s House to tell *Truth*, and put him in mind of the 5*th*. Chapter of the *Acts*: but observing that after he had so talk'd thus to the Boy, he was going to take *Pen*, *Ink* and *Paper*, and fearing to be drawn in for a *Witness*, she went out of the *Room*. *Mr. Barton.*

Then *Glasbrook* being call'd, who had set his Hand to *Loadman*'s Examination or Information, it was prov'd upon reading the Information to be no more, then that the Girl should say, That after the Earl of *Essex* had Murdered himself, he flung the *Razor* out at Window; as if after he had been his own *Executioner*, he had got to Life again, and threw away the *Instrument* with which he did the *Fact*. *Will. Glasbrook.*

Then *Smith* a *Barber* being call'd, spoke much to the same effect.

Upon the whole, the *Lord Chief Justice* so clearly display'd the Contradictions of the *Testimony*, and the Improbability of the *Circumstances*, and so plainly trac'd them through all their *Obscurities* and *Ambiguities*, that the *Jury* found *Braddon* guilty of the whole *Matter* Charg'd upon him in the *Information*, and Mr. *Speak* guilty of all, but Conspiring to procure false *Witnesses*.

Thereupon the Court set a Fine of 2000 *l.* upon Mr. *Braddon*, with Order to find *Sureties* for his good *Behaviour* during Life, and to be committed till the same be performed.

Upon Mr. *Speak* they set a Fine of 1000 *l.* with the same Order for *Sureties* and commitment.

The Charge *and* Defence *of Sir* Samuel Barnardiston, *Tryed for High Misdemeanour the* 14th. *of* February, 1683. *before the Right Honourable the Lord Chief Justice* Jefferies, *at the Sessions of* Nisi Prius *for the City of* London, *after the Term.*

The Names of the JURY were:

Thomas Vernon	*Samuel Newton*
Percival Gilburn	*George Torriano*
Edward Bovery	*Kenelm Smith*
William Withers, Sen.	*Thomas Goddard*
James Wood	*Thomas Amy*
Robert Maſters	*Richard Blackburn.*

The Information and ſubſtance of the Letters.

THE *Information* againſt the *Defendant* was, for Scandaliſing and Vilifying the *Evidence* in the laſt *Horrid Plot*, which he did in ſeveral *Letters*, in one of which he Related the great Favour into which the Duke of *Monmouth* was returnd: and ſeem'd to *Triumph*, that all the *Priſoners* that were in the late *Sham Proteſtant-Plot*, were Diſcharg'd upon *Bayl*, that *Braddon* was not Proſecuted, that the paſſing Sentence upon the *Author* of *Julian*, &c. and the *Printer* of the Lord *Ruſſels Speech* were paſs'd over in ſilence, *&c.*

To which he added theſe Expreſſions: *'Tis generally ſaid the Earl of* Eſſex *was Murthered. The brave Lord* Ruſſel *is afreſh lamented. The Plot is loſt here, unleſs you can find it in the Country among the* Addreſſers *and* Abhorrers. *That the* High Tories *and* Clergy *were mortify'd, and Sir* George *was grown humble.*

This was the ſubſtance of the reſt of the *Letters*, with ſome alterations of Words.

Mr. Brathwayt.

To prove him the *Author* of the ſeveral *Letters*, Mr. *Brathwayt* was Sworn, who depoſed, That Sir *Samuel*, upon the 10*th.* of *December*, before the King and the Lords of the *Council*, own'd three of the *Letters* to be of his own hand writing. Being ask'd whether Sir *Samuel* ſaid they were publiſhed by him, or ſent to any perſon? the *Witneſs* Anſwered, That he did not deny but that he had publiſht and ſent them.

Mr. *Atterbury*.

Mr. *Atterbury* being Sworn, depoſed, That he own'd three of the *Letters* to be written by him: and that being ask'd by His *Majeſty* who ſubſcrib'd them? he Anſwered, They were ſubſcribed by one of his Servants, and ſo order'd to be ſent to the *Poſt-Houſe*.

Mr. *Oſland*.

Mr. *Oſland* being call'd and Sworn, depoſed, That he wrote one of the *Letters* out of a Copy, given him by Sir *Samuel*, as he was his Servant, to go down into the *Country* to Sir *Phillip Skippon*.

The ſame *Witneſs* being ask'd what became of the *Letters* afterthey were ſubſcrib'd? made Anſwer, That he believ'd they all went to the *Poſt-Houſe*.

To this Mr. *Williams* of Counſel for the *Defendant* pleaded, That there was no proof of Sir *Samuels* publiſhing the *Letters*, only what Mr. *Brathwayt* ſaid, That he did not deny the publiſhing of them, and what Mr. *Atterbury* ſaid, That Sir *Samuel* ſhould ſay they were ſent to the *Poſt-Houſe*. Upon which Mr. *Williams* put it to the Court, Whether if a Gentleman writes a *Letter* to a private *Friend*, that was a publiſhing of a *Libel*? neither was

Sir

Sir *Samuels* Servant poſitive as to the *Letter* which he Copy'd, whether he delivered it back to Sir *Samuel* or no, or whether he delivered it in at the *Poſt-Houſe*, but only as he believ'd.

Then it was urg'd that there was no *Evidence* given about his *Malice*. To which the *Lord Chief Juſtice* reply'd, That the thing was *Evidence* of it ſelf; For that if any perſon wrote *Libels*, or publiſhed any *Expreſſions* which in themſelves, carryed *Sedition* and *Faction*, and *ill will* to the *Government*, they could not be otherwiſe expreſſed in his *Accuſation*, then by the words *Maliciouſly*, *Seditiouſly*, and *Factiouſly*; and the very proof of the thing it ſelf, prov'd the Evil Mind wherewith it was done.

Then as to the firſt *Objection* about the writing and publiſhing, it was delivered as the Judgment of the *Court*, that there was as full and plain proof of the dictating and writing of the *Letters*, as could be made.

Then as to what Mr. *Williams* objected againſt the publiſhing it, was ask'd him, whether it were not very abſur'd, to think that ſuch a perſon as Sir *Samuel*, ſhould take ſuch a wonderful deal of pains and care to write ſuch a deal of *Malicious Factious Stuff*, give them his Man to Copy out, ſubſcribe and ſeal them to carry in his Pocket. Beſides that, they were directed to Perſons where Sir *Samuel* was known to have a *Correſpondence*: and farther, the purport of the *Letters*, which was, *To deſire their Friends to beſtir themſelves, to get in ſober Men, and to be ſure to keep the ſober Party up*, ſpoke in its own *Nature*, that the *Letters* were intended and written with a Deſign, that they ſhould be *Communicated*.

In ſhort the Proof was ſo full, and the Defence ſo weak, that the *Jury* gave in their *Verdict* without ſtirring from the *Bar*, and found Sir *Samuel Barnardiſton* guilty of the Offence and Miſdemeanour charg'd upon him in the *Information*.

The Sentence of the Court was, *That he ſhould pay to the King a Fine of* 10000 *l. and to find Sureties for his good Behaviour during Life, and to be Committed till the ſame be performed.*

The Narrative, Arraignment, Condemnation, Confeſſion and Execution of James Holloway.

UPON the 21*ſt* of *April*, 1684. *James Holloway* was brought by *Habeas Corpus* from *Newgate*, there to ſhew cauſe why *Execution* ſhould not be awarded againſt him, upon an *Outlawry* for *High Treaſon* againſt him.

This *James Holloway* being deeply concerned in the *Plot*, upon the firſt Diſcovery had made a ſhift to make his Eſcape in a ſmall Veſſel which he hir'd for 20 *l. per. Month*, from *Briſtol* to *Rochel*; where having loaden his Veſſel with *Brandy* and other Goods, he Sail'd away for *Barbado's*: but underſtanding there that his Name was in the *Gazett*, he haſtned to *Antego*; but neither thinking it ſafe to lye long there, he reſolv'd to viſit the *Charibdee Iſlands*, and ſo went down to *Montſerrat*, *Mevis*, St. *Chriſtophers*, *Sancta Eſtatia*, and *Anguilla*, and ſo back again to St. *Chriſtophers*, which he ſuppoſed to be the ſafeſt place, as being unknown to any there. Where after he had ſtay'd three Weeks, he wrote to his *Factor* in *Mevis*, to even his Accompts, who

who upon receipt of his Letter Diſcover'd him. So that Sir *William Stapleton* preſently ſent his Warrant to St. *Chriſtophers*, to Apprehend him; but being remov'd from thence to *Eſtatia*, he was purſued thither, and there taken by the *Deputy Governour* of St. *Coriſtophers*, to whom he ſubmitted, from thence he was ſent into *England*, and ſo committed to *Newgate*.

While he was there he wrote a Paper, which he call'd, *His free Confeſſion and Narrative*, Addreſſed to His Majeſty, and delivered by himſelf to Mr. *Secretary Jenkins*. But there does not appear to be any thing more in it, then what has been opened and diſcovered at the *Tryals* of the ſeveral *Malefactors* Executed before him; unleſs it were what was to have been Acted in *Briſtol*, which was to have been ſecur'd by ſurprize, with about 350 Men, of which 200 were to be rais'd in and about the *City*, and the reſt to have been ſent from *Taunton*; toward the concluſion of which *Narrative*, he tells the World, That he had given to his Majeſty the Names of ſeveral other perſons, beſides thoſe already known, who were to have been concerned in the Plot: which is all wherein he materially differs from the reſt of the Diſcoverers.

Being therefore brought to the Bar, and demanded what he had to ſay, why *Execution* ſhould not be awarded againſt him, upon the attainder of *Outlawry* for *Treaſon*? he Anſwered, That he had made an Ingenius Confeſſion to His Majeſty, and begg'd his Mercy.

Then the Court told him, That notwithſtanding the *Outlawry* againſt him, if he had a mind to try the Fact, and thought he could defend himſelf, he ſhould have the Liberty.

To which the Priſoner Anſwered, That he could not undertake to defend himſelf, for that he had Confeſſed before His Majeſty, that he was guilty of many things in the Indictment.

When he came to the place of *Execution*, he Confeſſed his Belief of a Plot, and that he was concern'd in it; but notwithſtanding his Contrition, he could not chuſe but accuſe the Government of managing ſeveral things ill, and againſt the King, and the Kingdoms Intereſt: and then by way of Direction, he thought it His Majeſties beſt way to call a Parliament, and paſs an *Act of Oblivion* for all the *Plotters* in *England*; and then by way Admonition, he wiſh'd the King would Conſult his own ſafety, and the ſafety of the *Nation*, and that there might be an end put to all *News-mongers*.

He deteſted the Deſign upon the King at the *Rye*, but own'd to be in a Plot for ſeizing the King, as being inform'd, That if the King could but once have been acquainted with thoſe things that were done contrary to his knowledge, he would have come over to them that ſtood for his aſſiſtance.

Being urg'd to give the Names of ſuch perſons as he had ſpoken of? he Anſwered, It would be a Folly in him to abuſe Men that he knew not whether they would be concerned or no, though he believ'd, that if he ſhould Name all that he thought would have been concerned in his Deſign, he might Name three parts of *London*. His laſt wheedle was, That he had no Deſign againſt His Majeſties Perſon, but that what was intended, was only for the good of the King and Kingdom, and that ſo he ſuppos'd it would have been.

The *Paper* Delivered to the *Sheriffs*, was but an *Epitemy* of his *Confeſſion* to the King; which has been already ſaid, was no more then an Accompt of what has been already *Printed* in all the conſiderable *Tryals* of the late *Executed Offenders*, or rather not ſo much.

Laſtly, As for his *Religion*, he profeſſed himſelf neither a *Diſſenter* from the *Church of England*, nor joyn'd with them altogether: concluding his laſt Words, That the *Scriblers* might be put down, as having done the Kingdom more Miſchief then any thing elſe.

After which being ask'd whether he had any more to ſay? he Anſwered, No; and then the *Sheriff* deſired of God to have Mercy on his Soul.

FINIS.

AN ABSTRACT OF THE PROCEEDINGS AT THE Kings-Bench AT VVESTMINSTER AGAINST Sr. Thomas Armſtrong,

Upon an Outlawry for High-Treaſon, upon Saturday *June, the* 14*th.* 1684.

BY *ANOTHER HAND.*

SIR *Thomas Armſtrong* being then brought to the Bar of the ſaid Court by Vertue of a Writ of *Habeas Corpus* directed to the Keeper of *Newgate*, and the return of the Writ being read by the Clerk of the Crown, it appeared he was in Cuſtody of the ſaid Keeper, by a Warrant from the Honourable *Sidney Godolphin*, Eſq; one of His Majeſties Principal Secretaries of State. Which Warrant being read in Court, and the Award of Execution upon the Outlawry being demanded by His Majeſties Attorney General, and Sir *Thomas* being thereupon Arraigned, and asked what he had to ſay for himſelf, why Execution ſhould not be awarded againſt him according to Law? At firſt he ſeem'd as having nothing to ſay for himſelf,

only begg'd a Tryal; which being denyed him as a thing, which indeed it was not in the Power of the Judges themselves to grant, he then insisted upon a Statute made in the *Sixth* of *Edward* the *Sixth*, by which it was provided, That if the Person Outlawed, should within one Year after the Outlawry was pronounced, or Judgment given thereupon, yield himself to the Chief Justice of *England* for the time being, and after to Traverse the Indictment, or Appeal, whereupon the said Outlawry was pronounced, that then he should be received to the Traverse, &c. And though Sir *Thomas* pretended to render himself within the Year, being then present at the Kings-Bench-Bar, yet the Court did not think this a yielding in the Sense of the Statute, being at that time under restraint, and not at his own disposal, without any semblance that he would otherwise have yielded up himself to Justice at all. And indeed it is very strange, that yielding, and being at Mercy whether a Man will or no, should be Interpreted the same, as if a voluntary act, and a necessary misfortune, in which we are only passive, were the same: besides that, he that yields only in this Sense and Circumstance, when it is impossible for him to flye any longer, is in reason still looked upon as a flying Person, because his Will still flyes though his Body cannot; and he that in all appearance would still continue to flye if he were able, there being before his Apprehension, no Antecedent appearance of a voluntary surrender, is by no means within the Favour of the Traverse, because the Reason of the Award is founded upon a supposed acknowledgment of Guilt, which is express'd by flight, and this tacite Acknowledgment does still remain, if the Person do no otherwise surrender himself but by force, and because it vvas not in his Povver to have avoided it, though he vvould never so fain. Sir *Thomas* his Affair may be Illustrated by a parallel Instance; Suppose a *French* Army, set down before one of the *Spanish* Tovvns in *Flanders*, the General sends a Summons, and offers such or such Conditions in Case of a surrender before such a day, vvhich Conditions are rejected by the Governour of the Town, who stands wholly upon his Defence, and vvill hear of no sort of Overtures vvhatsoever: It so happens upon this, that the Tovvn is taken by Storm before that day comes, the Question is, Whether

ther Burgeſs of this Tovvn may lay claim to the performance of the ſaid Conditions? And my Opinion is, That a Tovvn taken may be as properly ſaid to yield, as Sir *Thomas Armſtrong*. Beſides, that is very ſtrange, that an Act of Parliament, vvhich is in other Caſes ſo Nice and Circumſpect, ſometimes by heaping up Synonimous Words, and all other Words of a different ſignification, the better to prevent all exception, ſhould in this be ſo careleſs, as to Confound Liberty and Neceſſity together, the tvvo things of all the World that are the moſt Diſtant from, and Oppoſite to one another.

Sir *Thomas* after this laid vvhat hold he could on the Favour ſhevvn to *Holloway* a little before, but that being meerly an Act of Grace from the King, vvho is the beſt Judge, and the only Proprietor of his own Favours; and ſo not lying before the Court, after ſome Altercation, Execution was ordered upon the *Fryday* following; and for his Behaviour at the place of Execution, I refer you to the Sheriffs Papers.

FINIS.